



Teaching
Regulation
Agency

Mr Samuel Okai: Professional conduct panel outcome

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

October 2023

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

Teacher:	Mr Samuel Okai
TRA reference:	19736
Date of determination:	2 November 2023
Former employer:	Bridge Academy, part of the Stephenson (MK) Trust, Milton Keynes

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 October to 2 November 2023 in a hybrid format at Coventry Rugby Club at Butts Park Arena, Butts Rd, Coventry, Warwickshire CV1 3GE and virtually on Microsoft Teams to consider the case of Mr Samuel Okai.

The panel members were Dr Martin Coles (former teacher panellist – in the chair), Ms Lynsey Draycott (teacher panellist) and Mrs Shabana Roberston (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Kiera Riddy of Browne Jacobson LLP solicitors.

Mr Okai was present and was represented by Mr Nicholas Kennan of Cornwall Street Chambers.

The parties were present at Coventry Rugby Club save for Mrs Robertson, who attended the hearing virtually via Microsoft Teams.

The hearing took place in public and was recorded, save for parts which were heard in private.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 21 August 2023.

It was alleged that Mr Okai was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Stephenson Academy between 7 January 2013 to 19 October 2020:

1. He engaged in inappropriate physical contact with Pupil A in that he took hold of or otherwise physically restrained Pupil A on or around 17 June 2020;
 - a) In circumstances where he had not attempted and/or employed de-escalation techniques;
 - b) In circumstances where doing so was a disproportionate and/or unnecessary response to Pupil A's behaviour;
 - c) And failed to report and/or record adequately or at all that Pupil A had been subject of a physical intervention;
 - d) Informed the School that he had not recorded the incident of physical intervention on Pupil A as you had a BTEC meeting to attend when this was not in fact the case.
2. His conduct at allegation 1(d) was dishonest and/or lacked integrity.
3. His behaviour towards Pupil A as may be proven at 1(a) and/or (b) was in breach of the School's policies with regards to Team Teach Techniques.

Mr Okai admitted allegations 1(a), 1(b), 1(c) and 3 and denied allegations 1(d) and 2.

Preliminary applications

Application for witnesses to give evidence via video link

The presenting officer and the teacher's representative made applications for witnesses to give evidence via video link.

The presenting officer sought permission for Witness B to give evidence via video link.

The teacher's representative sought permission for Witness D and Witness C to give evidence via video link. In addition, the teacher's representative sought permission for the teacher's character references to be heard via video link, in the event that it was necessary to hear such evidence.

The panel heard submissions from both parties. There were no objections to the applications.

The panel granted the applications and heard evidence from Witness B, Witness C and Witness D via Microsoft Teams.

Application to admit additional documents

The panel considered a preliminary application from the teacher's representative for the admission of additional documents, namely:

- Witness statement of [REDACTED]
- Character references for [REDACTED]

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: disciplinary procedures for the teaching profession May 2020 ('the 2020 Procedures'). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the teacher's representative and presenting officer in respect of the application. The presenting officer did not object to the application.

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

Application for part of the hearing to be heard in private

The panel considered an application from the teacher's representative that part of the hearing [REDACTED] should be heard in private.

The panel heard submissions from the teacher's representative and the presenting officer on the application before reaching its decision. The presenting officer did not object to the application.

The panel considered that evidence legitimately related to aspects of Mr Okai's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

Summary of evidence

Documents

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

- Section 1: Anonymised pupil list – page 6
- Section 2: Notice of hearing and response – pages 8 to 15
- Section 3: TRA witness statements – pages 16 to 113
- Section 4: TRA documents – pages 115 to 223
- Section 5: Teacher documents – pages 225 to 317

In addition, the panel agreed to accept the following (which were added as Annex A and Annex B):

- Witness statement of [REDACTED]
- Character references for [REDACTED]

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

Witnesses

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

- Witness A
- Witness B

The panel heard oral evidence from Mr Okai and from the following witnesses called on his behalf:

- Witness C
- Witness D

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 Okai was employed at Bridge Academy ('the School'), part of the Stephenson (MK) Trust ('the Trust') from 7 January 2013 to 19 October 2020 as a Maths teacher. He also undertook internal moderation for BTEC and other vocational qualifications. The School is an alternative provision, a Pupil Referral Unit ('PRU'), for secondary age pupils.

On 17 June 2020, Mr Okai was in a classroom with Witness D and two pupils, Pupils A and B. An incident took place between Mr Okai and Pupil A in which there was physical contact.

Mr Okai did not report the incident, nor did Witness D

On 2 July 2020, Pupil A poured water over Mr Okai and said it was because Mr Okai had "gripped him" (or words to that effect) on 17 June 2020. The School then commenced an investigation into the incident that took place on 17 June 2020.

Findings of fact

The findings of fact are as follows:

- 1. You engaged in inappropriate physical contact with Pupil A in that you took hold of or otherwise physically restrained Pupil A on or around 17 June 2020;**
 - a) In circumstances where you had not attempted and/or employed de-escalation techniques;**
 - b) In circumstances where doing so was a disproportionate and/or unnecessary response to Pupil A's behaviour;**

Mr Okai admitted allegations 1(a) and 1(b).

The panel was provided with CCTV footage of the incident. The footage was date stamped 17 June 2020 and showed Mr Okai in a classroom with Witness D and two pupils, who were identified as Pupils A and B.

The pupils were sat at the back of the classroom on chairs and were engaging in a discussion with Mr Okai. Pupil A was sat beside a bookshelf, leaning back on his chair. Witness D was tidying the classroom. Pupil A picked up a book from the shelf and appeared to be fiddling with it or tearing it. The CCTV footage had sound (albeit it was not particularly clear) and Mr Okai appeared to say "*put the book down now, no, no, no*" or words to that effect. He then approached Pupil A and attempted to take the book from him. In doing so, there was physical contact as he grappled for the book. Pupil A can be heard saying "*what the fuck*" and "*ow*". Pupil A dropped the book he had hold of. Mr Okai continued to briefly hold Pupil A after he dropped the book, but then let go of him. However, Pupil A then picked up another book and attempted to leave the classroom with it. Mr Okai tried to stop him from leaving the classroom and again grappled for the

book. Pupil A threw the book into the classroom and left. Mr Okai opened the door for Pupil A to leave. Throughout the incident, although present and in close proximity, Witness D and Pupil B did not intervene nor did they appear to react to the situation.

The panel noted that the CCTV footage was around 1 minute and 30 seconds in total. The length of time between Mr Okai noticing Pupil A was messing around with the book and the physical contact was approximately 6 seconds.

Witness A told the panel that the School used Team Teach techniques and that all staff members, including herself, were trained on the use of Team Teach. Witness A said that the School had Team Teach trainers who attended Team Teach training courses and then provided the training to staff members. She explained that two of the School's Team Teach trainers reviewed the CCTV footage and concluded that no Team Teach approved holds were used during the incident and the justification for the use of physical force was unclear.

Whilst Mr Okai admitted allegations 1(a) and 1(b), he also provided the panel with context as to why he had acted in the manner he did.

He described a challenging working environment within the School on the basis that the pupils attending the School had behavioural problems and could not be educated in a mainstream environment. Whilst working at the School he had been subjected to physical abuse by pupils including being hit round the back of his head until his nose bled and being karate chopped in the neck, slapped round the face, punched in the temple and kicked in his private parts. He said that students would often try and take his radio, keys and wreck the classrooms.

Witness C and Witness D reiterated this. Witness D in particular told the panel that there was quite a lot of violence at the School, both between pupils and from pupils towards staff members. She said pupils would verbally abuse staff members, spit at them and make threats. She described a pupil threatening to [REDACTED].

Mr Okai told the panel that the book Pupil A picked up on 17 June 2020 was a laminated pamphlet containing teaching resources on fractions. It was comprised of different exercises that Mr Okai had compiled over time. Mr Okai said that Pupil A was attempting to remove the treasury tags that bound the pamphlet together. He explained that Pupil A had a history of wrecking classrooms and throwing property. As a result, he was concerned that Pupil A might destroy the resource, throw it or use it to hit another pupil. Mr Okai said he only had one copy of the pamphlet and he therefore attempted to take it from Pupil A.

At the time, Mr Okai thought his actions were necessary. However, he accepted with hindsight that they were not and that he had not acted appropriately. He explained that he should have employed de-escalation techniques instead and accepted that he did not

do so. He accepted that he engaged in inappropriate physical contact with Pupil A and that this was a disproportionate and unnecessary response to Pupil A's behaviour.

Witness D told the panel that Pupil A's behaviour on 17 June 2020 was typical of his behaviour most days. She felt that Pupil A was targeting Mr Okai as Pupil A had told Witness D and others that he would get Mr Okai sacked from the School.

Witness D told the panel that, in her opinion, Mr Okai's actions during this incident were not reasonable, proportionate or necessary. Witness D confirmed that she did not take any action during the incident, nor did she report it or discuss it with Mr Okai following the incident. Witness D said that [REDACTED] but was not offered any support. She described being on "auto-pilot" and "going through the motions" on the day of the incident.

Witness D told the panel that Mr Okai's conduct on 17 June 2020 was out of character. She described him as a calm person and a good teacher. She said: "*he was always calm except for this one incident*".

Whilst the panel understood that there were certain circumstances that might justify the use of reasonable force in a school setting, the panel did not find that any of those circumstances applied in respect of the incident in question.

It was clear from the CCTV footage that Mr Okai engaged in physical contact with Pupil A on 17 June 2020 and, specifically, that he had taken hold of and physically restrained Pupil A.

Whilst the panel noted that Mr Okai appeared to speak to Pupil A and said words to the effect of: "*put the book down now, no, no, no*", the panel did not consider that this constituted a proper attempt at employing de-escalation techniques. In any event, there was only around 6 seconds between Mr Okai noticing what Pupil A was doing with the book and physically intervening with Pupil A. The panel did not consider that this was a sufficient period of time to seek to de-escalate the situation nor allow Pupil A to process any instruction to put the book down.

In the panel's view, the physical contact was inappropriate; and a disproportionate and unnecessary response to Pupil A's behaviour. Whilst the panel understood the context Mr Okai provided, there was no evidence that Pupil A actually intended to cause harm to himself or anybody else. As such, the panel concluded that Pupil A's behaviour did not merit the use of physical contact.

On examination of the evidence before it, the panel found allegations 1(a) and 1(b) proven.

c) And failed to report and/or record adequately or at all that Pupil A had been subject of a physical intervention;

Mr Okai admitted allegation 1(c).

Witness A told the panel that the School used the Child Protection Online Management System (CPOMS) to record concerns regarding pupils, including physical interventions. Witness A's evidence was that serious incidents should be reported immediately and all other incidents should usually be added to CPOMS by the end of the School day.

Mr Okai admitted that he did not report or record the incident that took place with Pupil A on 17 June 2020 on CPOMS or by any other means. He accepted that he should have recorded the incident.

Both Mr Okai and Witness C gave evidence that, due to the number of incidents that occurred with pupils at the School, it was not always possible to record all of the incidents that took place on CPOMS (although they both agreed that ideally all incidents would be recorded).

It was common ground between the other witnesses the panel heard from that Mr Okai did not record or report the incident with Pupil A on 17 June 2020. It was also accepted that Mr Okai should have recorded the incident.

The panel found allegation 1(c) proven.

d) Informed the School that you had not recorded the incident of physical intervention on Pupil A as you had a BTEC meeting to attend when this was not in fact the case;

Mr Okai denied allegation 1(d).

The panel was provided with minutes from an investigation meeting the School conducted with Mr Okai on 29 September 2020. The minutes stated: *"[Mr Okai] explained that on some days, there could be so many incidents that happened and that he usually has the opportunity to take time to reflect and record incidents in the correct way on the system, [Mr Okai] advised that on this occasion he had a BTEC meeting to attend at the end of the school day."*

Mr Okai's evidence was that he had attended a BTEC meeting with Witness B and Witness C on 17 June 2020. He recalled the meeting lasting for some time and until past the end of the School day.

Witness A told the panel that the School's investigation found no evidence that a BTEC meeting had taken place on 17 June 2020. However, she accepted that the School did not speak to Witness B or Witness C at the time the investigation took place. Instead, they simply looked at the School's calendar.

It was explained that Mr Okai and Witness C shared a Teaching and Learning Responsibility ('TLR') for the administration of vocational qualifications at the School and

wider Trust. Witness B was the Quality Nominee and Internal Verifier for Vocational Qualifications at the Trust.

It was accepted that there was a need for Mr Okai, Witness C and Witness B to meet to discuss the moderation of vocational qualifications. However, conflicting evidence was provided in respect of the meeting on 17 June 2020. The conflicting evidence appeared to be due to the fact that Witness B and Witness C were not asked to comment on the meeting until much later. Witness C's witness statement was dated 30 June 2022 and Witness B confirmed that he was not asked to comment on the meeting until 25 July 2022. The panel was mindful that both accounts were not provided until some two years after the event and considered that this was the likely reason for the discrepancies.

The panel heard evidence from Witness B who recalled arranging a meeting with Witness C and Mr Okai at 1.30pm on 17 June 2020. The panel was provided with an email chain which indicated a meeting had been arranged between the three of them on 17 June 2020 at 1.30pm.

Witness B said the meeting was to discuss external pupil moderations for a motor vehicle course. Witness B explained that this was not a BTEC but accepted that it was a vocational qualification and that the meeting might therefore have been described as a "BTEC meeting".

Witness B recalled meeting with Witness C on 17 June 2020. He said Mr Okai joined them a little later as he had been delayed due to an incident he was involved with. He also said that Mr Okai attended the meeting for just a few minutes before leaving to write up the incident.

The panel was not provided with any evidence that Mr Okai had been involved with another incident on 17 June 2020 or that he had written up a report relating to any incident that day, it being common ground that he did not report the incident concerning Pupil A.

Witness B thought the meeting ended at 2.30pm or 3pm.

Witness C recalled attending a meeting with Witness B and Mr Okai in mid-June 2020 to discuss the motor vehicle course. He could not recall the specific date of the meeting. He recalled the meeting lasting for some time and he recalled Mr Okai being present throughout the meeting. Witness C thought the meeting began at around 2.30pm or 3pm and claimed that Witness B's timekeeping was not always particularly good, and it was not uncommon for meetings to start later than planned. Witness C also suggested that he and Mr Okai may have continued working on the pupils' portfolios after Witness B left the meeting.

The panel considered the wording of allegation 1(d) and concluded that it had been asked to determine: (a) whether Mr Okai had informed the School that he had not

recorded the incident with Pupil A because he had a BTEC meeting to attend; and (b) whether Mr Okai did not, in fact, have a BTEC meeting to attend. The panel had not been asked to determine what time the meeting started, how long it continued for or how long Mr Okai stayed at the meeting.

It was clear from the investigation minutes and Mr Okai's own admission that he told the School he did not record the incident because he had a BTEC meeting to attend.

Having considered the evidence before it, and notwithstanding the conflicting witness evidence, the panel was satisfied that, on the balance of probabilities, a meeting did take place on 17 June 2020 which could have been described as a 'BTEC meeting'. The panel was satisfied that, on the balance of probabilities, this meeting was attended by Mr Okai, Witness B and Witness C.

The panel therefore found allegation 1(d) not proven.

2. Your conduct at allegation 1(d) was dishonest and/or lacked integrity.

On the basis that the panel found allegation 1(d) not proven, the panel did not move on to consider allegation 2. For the avoidance of doubt allegation 2 was therefore not proven.

3. Your behaviour towards Pupil A as may be proven at 1(a) and/or (b) was in breach of the School's policies with regards to Team Teach Techniques.

Mr Okai admitted allegation 3.

The panel was provided with evidence which indicated that Team Teach techniques were used within the School. However, the panel was not provided with any of the School's policies (in respect of Team Teach techniques or otherwise).

During the course of the hearing, the panel asked witnesses about the School's policies in this regard. The witnesses were not able to clearly refer to a specific School policy dealing with Team Teach techniques.

The panel was mindful that, notwithstanding Mr Okai's admission, it needed to be satisfied that the allegation was proven on the balance of probabilities.

The panel presumed, given the nature of the School, there were policies in place dealing with the use of physical restraint and Team Teach techniques.

However, given that the panel was not presented with any of the School's policies, it did not consider that it had sufficient evidence before it to conclude, on the balance of probabilities, that Mr Okai's conduct towards Pupil A was in breach of the School's policies as regards Team Teach techniques.

The panel therefore found allegation 3 not proven.

The panel found allegations 1(a), 1(b) and 1(c) proven. The panel found allegations 1(d), 2 and 3 not proven.

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

Having found allegations 1(a), 1(b) and 1(c) proven, 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 Okai, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Okai was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the... 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 Mr Okai’s conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Okai’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice but did not find that any of the behaviours were engaged in respect of this matter. Whilst the panel noted that the list included “violence”, it did not consider that Mr Okai’s actions amounted to “violence”.

The panel took account of the context Mr Okai provided. It acknowledged the challenging environment of a PRU and the difficulties regarding pupil behaviour. It also acknowledged Witness D’s evidence that Mr Okai was usually calm and the incident with Pupil A was out of character.

However, notwithstanding this, the panel found that the incident with Pupil A was a serious one. In particular, the panel was concerned about how quickly the situation escalated and the fact that de-escalation techniques were not properly employed.

The panel was satisfied that Mr Okai was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others 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 was of the view that the findings of misconduct were serious. It considered that Mr Okai's conduct would be likely to have a negative impact on his status as a teacher and could damage the public's perception of the teaching profession. The panel felt that members of the public would expect a teacher to use physical restraint as a last resort and only when it was justified, proportionate and necessary.

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

Having found the facts of allegations 1(a), 1(b) and 1(c) proved, the panel further found that Mr Okai'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 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 were 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 as follows: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and

upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel found that Mr Okai had engaged in inappropriate physical contact with Pupil A in circumstances where: (a) de-escalation was not properly employed; and (b) doing so was a disproportionate and unnecessary response to Pupil A's behaviour. Furthermore, the panel found that Mr Okai did not report the incident. In light of these findings, there was a public interest consideration in respect of the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Okai was not treated seriously when regulating the conduct of the profession.

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

The panel determined that there was also public interest consideration in retaining Mr Okai in the profession, since no doubt had been cast upon his abilities as an educator and, in the panel's view, he is able to make a valuable contribution to the profession. The panel considered that the conduct found proven was an isolated incident and, although serious, was at the lower end of the scale of severity.

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 Okai. 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 Okai. 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 potentially 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;

Whilst the panel considered that these behaviours were potentially relevant in this case, it was mindful of the wider context and the evidence it had heard. Taking that into account, the panel did not consider that Mr Okai's conduct represented a "serious" departure from the Teachers' Standards or that it "seriously" affected the education, safeguarding and

well-being of pupils. In fact, the panel was not provided with any clear evidence in respect of the potential impact on Pupil A.

Even though some of the behaviour found proved in this case indicated that a prohibition order could 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 evidence that Mr Okai's actions were deliberate, although it was submitted that his actions represented a "temporary lapse" which was out of character. It was also submitted that the conduct took place during a stressful time for Mr Okai in that it occurred during the Coronavirus pandemic and whilst [REDACTED]. Despite [REDACTED], Mr Okai continued to attend School as he felt it was the right thing to do for pupils.

There was no evidence to suggest that Mr Okai was acting under extreme duress. However, the panel did take account of the stressful circumstances outlined above.

The panel was provided with evidence to attest to Mr Okai's history and ability as a teacher. Mr Okai provided written character references from the following individuals:

- [REDACTED]

The panel also heard oral character evidence from:

- [REDACTED]

The written and oral evidence contained positive comments about Mr Okai and his ability as a teacher. It also indicated that some of the witnesses were aware of the allegations about Mr Okai, including [REDACTED] (his current employer) and [REDACTED] (where he had worked prior to [REDACTED]). The panel noted the following in particular:

- *"Samuel has worked at [REDACTED] since September. On interview, Samuel explained to us about the context of the issue being investigated by the hearing. Samuel was excellent at interview and we had no reservations employing Samuel..."*

"I have watched Samuel teach and have seen what the others have reported; his ability to teach mathematics and build positive relationships in the classroom is very good. We have had no concerns about his conduct whatsoever and hope that the hearing is found in his favour so that he can continue to deliver great lessons at [REDACTED]..."

[REDACTED] (Mr Okai's current employer)

- *“I am aware of the allegations against him... Samuel has a friendly, affable personality, and he always got on well with colleagues in the department. He was a caring teacher, who put the pupils’ best interests at heart.”*

[REDACTED] and Mr Okai’s former line manager

- *“Mr Okai has a friendly personality, who gets on well with colleagues in the school... He has always conducted himself in a professional manner in School, and his relationships with the pupils are completely appropriate. Mr Okai travels on the minibus to and from School, helping to supervise the pupils en-route, and on and around the car park... Mr Okai made us aware of the allegations made against him at interview and we would consider offering Mr Okai a teaching position at the school if he is not prohibited from working.”*

[REDACTED]

- *“Through out my time at the school Mr Samuel Okai became my role model and inspired me to further my education... In my experience of having mr Okai as a teacher he was always very professional and understanding towards all pupils. I know that mr Okai dedicated his time to helping students succeed in their education...” [sic]*

[REDACTED]

The panel was impressed by the character evidence provided and the positive comments on Mr Okai’s teaching. In oral evidence, [REDACTED] confirmed he would consider re-employing Mr Okai and [REDACTED] stated that he hoped Mr Okai was not prohibited from teaching so that he could continue to teach at [REDACTED]. The panel was of the view that Mr Okai was a good teacher.

Both [REDACTED] also commented on Mr Okai’s openness in terms of this professional conduct panel hearing but also his personal circumstances including [REDACTED]. This indicated to the panel that Mr Okai had learned from the incident that took place in June 2020 and was able to seek help when needed.

The panel found Mr Okai to be a credible witness who presented as a calm and composed individual. In his witness statement and oral evidence, he expressed regret and remorse and readily acknowledged his error in judgment. He also recognised the impact of his actions and explained how he should have acted. The panel found that Mr Okai demonstrated considerable and clear remorse and insight.

It was submitted that, save for this one incident, Mr Okai had an unblemished record, over the 7 year period he was at the School. This was supported by Witness D who confirmed that she had never previously witnessed Mr Okai behave in the way in which he did on 17 June 2020. [REDACTED] explained that, whilst Mr Okai had only recently

joined [REDACTED] had observed his lessons and had no concerns. He commented that Mr Okai had developed positive relationships with students.

Taking these factors into account the panel was satisfied that the risk of repetition was very low.

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 mindful that the conduct found proven was serious and involved physical contact with a pupil. The panel, however, was satisfied that this had been an isolated one-off incident which was out of character and took place at a time when Mr Okai was under extreme pressure both at the School and in his personal life.

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, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

On the basis that Mr Okai had shown great insight into his misconduct and demonstrated how it would be avoided in the future, the panel was of the view that prohibiting Mr Okai would not produce any material change or serve any useful purpose.

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 and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including 1(d), 2 and 3). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Samuel Okai should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Okai is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the... practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Okai, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and/or safeguard pupils. The panel has observed, "The panel found that Mr Okai had engaged in inappropriate physical contact with Pupil A in circumstances where: (a) de-escalation was not properly employed; and (b) doing so was a disproportionate and unnecessary response to Pupil A's behaviour. Furthermore, the panel found that Mr Okai did not report the incident. In light of these findings, there was a public interest

consideration in respect of the safeguarding and wellbeing of pupils.” 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 found Mr Okai to be a credible witness who presented as a calm and composed individual. In his witness statement and oral evidence, he expressed regret and remorse and readily acknowledged his error in judgment. He also recognised the impact of his actions and explained how he should have acted. The panel found that Mr Okai demonstrated considerable and clear remorse and insight.” I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Okai was not treated seriously when regulating the conduct of the profession.”

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

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

I have also considered the impact of a prohibition order on Mr Okai and the panel comment “It was submitted that, save for this one incident, Mr Okai had an unblemished record, over the 7 year period he was at the School. This was supported by Witness D who confirmed that she had never previously witnessed Mr Okai behave in the way in which he did on 17 June 2020. [REDACTED] explained that, whilst Mr Okai had only recently joined [REDACTED] had observed his lessons and had no concerns. He commented that Mr Okai had developed positive relationships with students.”

The panel considered a number of positive character references relating to Mr Okai’s ability as a teacher.

A prohibition order would prevent Mr Okai 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 insight, “On the basis that Mr Okai had shown great insight into his misconduct and

demonstrated how it would be avoided in the future, the panel was of the view that prohibiting Mr Okai would not produce any material change or serve any useful purpose.”

I have also placed considerable weight on the finding “the panel was satisfied that the risk of repetition was very low.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Okai has made to the profession, along with the level of remorse and insight shown.

I have considered the following comments from the panel “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, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”

“On the basis that Mr Okai had shown great insight into his misconduct and demonstrated how it would be avoided in the future, the panel was of the view that prohibiting Mr Okai would not produce any material change or serve any useful purpose.”

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 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 9 November 2023

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