



Teaching
Regulation
Agency

Mr Alexander Johnson: Professional conduct panel outcome

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

November 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	6
Documents	6
Witnesses	7
Decision and reasons	7
Findings of fact	7
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	16

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

Teacher: Mr Alexander Johnson
Teacher ref number: 1969523
Teacher date of birth: 10 September 1994
TRA reference: 19606
Date of determination: 22 November 2023
Former employer: Cove School, Farnborough

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 November to 22 November 2023 via Microsoft Teams to consider the case of Mr Johnson.

The panel members were Mr Paul Millett (lay panellist – in the chair), Mrs Michele Barlow-Ward (teacher panellist) and Mr Richard Young (lay panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Vanessa Reid of counsel, instructed by Kingsley Napley LLP solicitors.

Mr Johnson 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 23 August 2023.

It was alleged that Mr Johnson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into, in that whilst at teacher at Cove School, he:

1. On an unknown date in October 2020, failed to report to the safeguard lead that he received a note from Pupil A explaining that Pupil A had a crush on him and/or destroyed the note from Pupil A;
2. On an unknown date in October 2020, accepted a snapchat friend request from Pupil A after Pupil A informed him that she had a crush on him;
3. On unknown dates in October 2020, used Snapchat to communicate with Pupil A knowing that Snapchat deletes itself so recovery of the messages would be difficult;
4. On unknown dates in October 2020, communicated inappropriately with Pupil A on Snapchat outside of school, including sending one or more voice notes to Pupil A after Pupil A informed him that she was romantically interested in him;
5. On most school days between 23 September 2020 and 22 October 2020, kept Pupil A's [REDACTED], with the knowledge that Pupil A would have to come back to his class after school to collect it;
6. Between 23 September 2020 and 22 October 2020, had a picture on his phone of a [REDACTED] belonging to pupil A.
7. On an unknown date in October 2020, changed Pupil A's name on Snapchat to that of his on/off sexual partner as Pupil A reminded him of that partner;
8. Between 23 September 2020 and 22 October 2020, gave Pupil A a note with his playlist details on it which included; a. "On repeat at the moment – [Pupil A] by [REDACTED]".
9. Between 23 September 2020 and 22 October 2020, on more than one occasions, sprayed Pupil A's [REDACTED] onto himself and/or his classroom chair;
10. On an unknown date, between 23 September 2020 and 22 October 2020, held the wrist and/or [REDACTED] of Pupil A and kissed it like the FA Cup;
11. Between 23 September 2020 and 22 October 2020, allowed Pupil A to visit him in his classroom alone, at the start of the school day and/or after school and/or at break times;

12. Between 23 September 2020 and 22 October 2020, used inappropriate language when responding to Pupil A by saying 'no one calls their dick their uncle' or words to that effect;
13. On or around 5 October 2020, provided his Instagram account to one or more [REDACTED] pupils;
14. On an unknown date between 23 September 2020 and 22 October 2020, created a calendar event for 1 August 2025 with the title "Drinks with [Pupil A]?";
15. By his conduct as set out in one or more of the allegations above, he:
 - a. Failed to maintain proper professional boundaries;
 - b. Failed to act with integrity.
16. His behaviour as set out in one or more allegations above, demonstrates elements of building an inappropriate relationship.
17. His conduct as set out at allegation 2 and/or 3, and/or 4 and/or 5, and/or 7, and/or 9, and/or 10, and/or 11, and/or 13 and/or 14, was sexually motivated.

Mr Johnson has admitted allegations 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15a), 15b) and 16. He has denied allegations 9 and 17.

Mr Johnson has admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application from Ms Reid to proceed in the absence of Mr Johnson. It was satisfied that the notice of hearing had been properly served, and concluded that Mr Johnson had voluntarily waived his right to attend and be represented at the hearing. The panel concluded that an adjournment would not result in his attendance, as he had consistently indicated he did not wish to attend, and had provided detailed written submissions and reflections. In the circumstances, the panel was satisfied that it would be fair to proceed, and there was a clear public interest in doing so, given the age of the allegations and the attendance of a witness.

The panel considered an application from Mr Johnson that the hearing should be held in private. The panel refused this application. Mr Johnson had not provided any reason why the hearing should be in private, and the panel was unable to identify any good reason for departing from the principle of open justice. The panel noted that there may be matters that would need to be dealt with in private, and the panel determined that should this occur, it would go into private session for those matters only.

The panel allowed an application to amend allegation 8 so as to ensure full anonymisation. This amendment was necessary to protect the interests of a child. The panel noted that Mr Johnson had not been given advance notice of the application to amend, but was satisfied it caused no prejudice to him.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 4 to 6

Section 2: Notice of proceedings and response – pages 7 to 13c

Section 3: Teaching Regulation Agency witness statements – pages 14 to 18

Section 4: Teaching Regulation Agency documents – pages 19 to 150

Section 5: Teacher documents – pages 151 to 156

The panel had also received a “proceeding in absence” bundle, which included:

- Notice of hearing 23 August 2023 – pages 1 to 6
- Notice of proceedings form completed by Mr Johnson dated 16 September 2023 – pages 7 to 9
- TRA guidance on virtual hearings January 2022 – pages 10 to 14
- Notice of referral 31 October 2022 – pages 15 to 24
- Correspondence request form completed by Mr Johnson dated 10 November 2022 – pages 25 to 26
- Notice of referral form completed by Mr Johnson dated 10 November 2022 – pages 27 to 29
- Correspondence between Kingsley Napley and Mr Johnson regarding service of the hearing bundle – pages 30 to 34

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

Witnesses

The panel heard oral evidence from Witness A.

Decision and reasons

The panel announced its decision and reasons as follows:

In September 2020, Mr Johnson, a newly qualified teacher, started working at Cove School as an English supply teacher. In this role, he taught English. In October 2020, a teacher raised concerns about the relationship between Mr Johnson and Pupil A, [REDACTED]. Some pupils and their parents also came forward to report concerns. The School suspended Mr Johnson and carried out some investigations at the request of the police. The police interviewed Mr Johnson under caution, as well as speaking to Pupil A. Pupil A made no allegation against Mr Johnson, and the police took no further action. Mr Johnson did not return to work at the School following his suspension.

During this hearing, the TRA sought to rely on hearsay evidence from:

- Pupils who had made written statements during the School investigation;
- Written accounts of what some parents had reported to the School;
- Two teachers who had sent emails in October 2020 about things they had observed.

The panel determined not to admit any of this hearsay evidence. The TRA did not provide any explanation as to why these witnesses were not called to give evidence at the hearing. Further, the evidence before the panel about the circumstances existing at the time the hearsay accounts were given was such that it had significant concerns about the reliability of the evidence, which could not be tested with the witnesses. The panel concluded that it would not be fair to admit any of this hearsay evidence, and the panel disregarded it.

The panel also noted that the hearing bundle contained information about the opinions of third parties. It determined that this information was inadmissible and disregarded it.

Findings of fact

The findings of fact are as follows:

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

Whilst a teacher at Cove School, you:

1. On an unknown date in October 2020, failed to report to the safeguard lead that you received a note from Pupil A explaining that Pupil A had a crush on you and/or destroyed the note from Pupil A;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

2. On an unknown date in October 2020, accepted a Snapchat friend request from Pupil A after Pupil A informed you that she had a crush on you;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

3. On unknown dates in October 2020, used Snapchat to communicate with Pupil A knowing that Snapchat deletes itself so recovery of the messages would be difficult;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

4. On unknown dates in October 2020, communicated inappropriately with Pupil A on Snapchat outside of school, including sending one or more voice notes to Pupil A after Pupil A informed you that she was romantically interested in you;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

5. On most school days between 23 September 2020 and 22 October 2020, kept Pupil A's [REDACTED], with the knowledge that Pupil A would have to come back to your class after school to collect it;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

6. Between 23 September 2020 and 22 October 2020, had a picture on your phone of a [REDACTED] belonging to Pupil A.

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

7. On an unknown date in October 2020, changed Pupil A's name on Snapchat to that of your on/off sexual partner as Pupil A reminded you of that partner;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

8. Between 23 September 2020 and 22 October 2020, gave Pupil A a note with your playlist details on it which included; a. "On repeat at the moment – [Pupil A] by [REDACTED]".

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview, as well as the photograph of the note which was available to the panel.

10. On an unknown date, between 23 September 2020 and 22 October 2020, held the wrist and/or [REDACTED] of Pupil A and kissed it like the FA Cup;

Given Mr Johnson's admissions in his police interview and to the TRA, the panel found proved that Mr Johnson had kissed Pupil A's [REDACTED] like the FA Cup. There was no evidence that he had kissed Pupil A's wrist, and so the panel found that this part of the allegation was not proved.

11. Between 23 September 2020 and 22 October 2020, allowed Pupil A to visit you in your classroom alone, at the start of the school day and/or after school and/or at break times;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

12. Between 23 September 2020 and 22 October 2020, used inappropriate language when responding to Pupil A by saying 'no one calls their dick their uncle' or words to that effect;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview, and the video footage available to the panel.

13. On or around 5 October 2020, provided your Instagram account to one or more [REDACTED] pupils;

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview.

14. On an unknown date between 23 September 2020 and 22 October 2020, created a calendar event for 1 August 2025 with the title "Drinks with [Pupil A]?";

This allegation was admitted by Mr Johnson to the TRA and was supported by Mr Johnson's admissions in his police interview and the copy of the calendar event taken from Mr Johnson's phone, which was available to the panel.

15. By your conduct as set out in one or more of the allegations above, you:

a) Failed to maintain proper professional boundaries;

b) Failed to act with integrity.

The panel was satisfied that by his proven actions, Mr Johnson failed to maintain proper professional boundaries and acted with a lack of integrity, in that he failed to adhere to the standards of the teaching profession. These allegations were therefore found proved.

16. Your behaviour as set out in one or more allegations above, demonstrates elements of building an inappropriate relationship.

Mr Johnson admitted this allegation, and the panel agreed that the proven matters clearly demonstrated elements of building an inappropriate relationship with Pupil A.

17. Your conduct as set out at allegation 2 and/or 3, and/or 4 and/or 5, and/or 7, and/or 9, and/or 10, and/or 11, and/or 13 and/or 14, was sexually motivated.

The panel found this allegation proved in part. It was not satisfied, on the balance of probabilities, that when Mr Johnson first accepted a Snapchat friend request from Pupil A (allegation 2), he was sexually motivated. It had insufficient evidence to make this inference.

However, the panel concluded that thereafter, things moved quickly and Mr Johnson did start to act with sexual motivation, in that he did things in pursuance of a potential future sexual relationship. The panel infers this from:

- Him making a direct connection between Pupil A and Person A (a recent sexual partner whom he had met via Tinder), by renaming Pupil A with the name of Person A on his Snapchat account (allegation 7). The panel rejected his suggestion that he had done this only because Pupil A was “clingy”, as he described it. Instead, the panel concluded that this demonstrated he perceived Pupil A as a potential future sexual partner.
- His creation of a calendar appointment for 1 August 2025 with the title “Drinks with [Pupil A]?” (allegation 14). The panel rejected Mr Johnson’s explanation that he did this in the hope that Pupil A would lose interest. It was not necessary for him to create such a calendar entry in order to be clear to Pupil A that their crush could not be reciprocated. Indeed, the panel concluded that doing so would be more likely to have the opposite effect, and encourage Pupil A’s romantic interest. The panel concluded that this was an overtly flirtatious action that was done in pursuance of a future sexual relationship.

Given the panel’s conclusion that Mr Johnson did develop a desire to pursue a future sexual relationship with Pupil A, it was satisfied that at least some of his subsequent use of Snapchat to communicate with Pupil A (allegation 3) was sexually motivated. In

particular, the panel concluded that sending Pupil A voice notes at night (allegation 4), telling them to “sleep well”, demonstrated an intimacy which the panel concluded was sexually motivated.

The panel concluded that even if initially, Mr Johnson was not sexually motivated to spend time alone with Pupil A (allegations 5 and 11), that changed over time as he developed a desire to pursue a future sexual relationship with Pupil A. The panel was satisfied that he did go along with Pupil A’s attempts to spend time alone with him in order to continue to develop an intimacy between them with a view to developing a sexual relationship in future.

However, the panel was not satisfied that his action of kissing Pupil A’s [REDACTED] when he caught it (allegation 10) was sexually motivated. The panel accepted Mr Johnson’s account that this was a spontaneous reaction to catching it and that he kissed it as one would a sporting trophy.

The panel was also not satisfied that when he showed a group of pupils his phone screen with details of his Instagram account on it (allegation 13), this was sexually motivated. There was no evidence to suggest he had a general sexual motivation towards pupils. The panel concluded that while showing pupils his phone screen was unwise and a breach of professional boundaries, it was not sexually motivated.

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

9. Between 23 September 2020 and 22 October 2020, on more than one occasions, sprayed Pupil A's [REDACTED] onto yourself and/or your classroom chair;

There was no direct evidence to support the allegation that Mr Johnson sprayed Pupil A’s [REDACTED] onto his chair, as opposed to Pupil A spraying it (as Mr Johnson said in his police interview). The hearsay evidence upon which the TRA sought to rely, and which the panel ruled was inadmissible, was inconsistent and not demonstrably reliable. Mr Johnson had clearly and consistently disputed this allegation in his police interview and subsequent representations to the TRA, and the panel accepted his account. It concluded that he had no particular reason to lie about it, given the significant admissions he had made to other, more serious allegations.

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 proven 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 Johnson, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Johnson 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 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 Johnson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Johnson’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that none of these offences was relevant.

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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

The panel found that Mr Johnson’s actions constituted 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. 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 protection of pupils, 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 Johnson, which involved serious, sexually-motivated breaches of professional boundaries with a pupil, there was a strong public interest consideration in respect of the protection of pupils.

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

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

While there is a general public interest consideration in retaining qualified teachers in the profession, the panel had no evidence to suggest that Mr Johnson would be able to make a valuable contribution in future, as it had no evidence about his ability as a teacher and in any event, he says he has no intention of returning 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 Johnson.

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 Johnson. 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;
- 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 pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;

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.

The panel concluded that there was evidence that Mr Johnson's actions were deliberate. Although he may not have initiated the inappropriate online and in-person contact with Pupil A, he continued it knowing it was inappropriate, and the panel concluded it became sexually motivated on his part.

He was not acting under duress.

The panel accepted that there were no previous concerns about Mr Johnson, but this factor carried very limited weight as the proven conduct occurred within a matter of

weeks of him starting his teaching career. The panel received no evidence of positive good character.

More generally when considering mitigation, the panel had regard to Mr Johnson's statement of reflection to the TRA. The panel was unconvinced by his suggestion that he had not received sufficient training or support to recognise that what was happening was completely inappropriate. Even though he was newly qualified and had limited support as a supply teacher, the panel concluded that having undergone teacher training, he should have known to make a declaration to the safeguarding lead when Pupil A first disclosed their crush to him, and thereafter to take different action from that which he took.

The panel considered that it is to Mr Johnson's credit that he has reflected over time, and has demonstrated some insight and remorse into his actions. However, his reflections do not address the panel's findings of sexual motivation, which are extremely serious. The information from Mr Johnson does not provide the panel with sufficient reassurance that he would act differently in the future should he be allowed to return to teaching.

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 Johnson 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 Johnson. The risk of repetition should he be allowed to return to teaching was a significant factor in forming that opinion, as was the need to maintain public confidence in light of the panel's findings that he had acted in a sexually motivated way towards a pupil. 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 which it is 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 behaviours that, if proved, would militate against the recommendation of a review period. These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel found that Mr Johnson had breached professional boundaries with a pupil in pursuance of a potential future sexual relationship with them, and that his reflections did not provide assurance that he would not act in the same way in future.

The panel decided that these 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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has also found some of the allegations or elements of the allegations not proven I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Johnson 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 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 finds that the conduct of Mr Johnson fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include sexually motivated behaviour towards a child.

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 Johnson, 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 recorded that it, "...found that Mr Johnson had breached professional boundaries with a pupil in pursuance of a potential future sexual relationship with them, and that his reflections did not provide assurance that he would not act in the same way in future." 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 it set out as follows, "The panel considered that it is to Mr Johnson's credit that he has reflected over time, and has demonstrated some insight and remorse into his actions. However, his reflections do not address the panel's findings of sexual motivation, which are extremely serious. The information from Mr Johnson does not provide the panel with sufficient reassurance that he would act differently in the future should he be allowed to return to teaching." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am

particularly mindful of the finding of sexually motivated behaviour towards a child in this case and the potential negative impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order Mr Johnson himself. The panel observed that it “...accepted that there were no previous concerns about Mr Johnson, but this factor carried very limited weight as the proven conduct occurred within a matter of weeks of him starting his teaching career. The panel received no evidence of positive good character.”

A prohibition order would prevent Mr Johnson from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of full insight and its comments regarding the risk of a repeat of this behaviour. I have also reflected on the serious potential negative impact that the behaviour found, and especially sexually motivated behaviour towards a child, could have on the standing of the profession.

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

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

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

In doing so, the panel has made reference to the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel conclude that it, "...found that Mr Johnson had breached professional boundaries with a pupil in pursuance of a potential future sexual relationship with them, and that his reflections did not provide assurance that he would not act in the same way in future."

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 lack of evidence of full insight and risk of repetition as well as the very serious nature of the findings which include sexually motivated behaviour towards a child.

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 Alexander Johnson 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 Johnson 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 Alexander Johnson 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.



Decision maker: Marc Cavey

Date: 23 November 2023

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