



Teaching
Regulation
Agency

Mr John Patrick Esomu: 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	4
Summary of evidence	6
Documents	6
Witnesses	6
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	17

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

Teacher: Mr John Patrick Esomu

TRA reference: 18996

Date of determination: 1 November 2023

Former employer: Avon Valley School and Performing Arts College, Warwick

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 October to 1 November 2023 by way of a virtual hearing, to consider the case of Mr John Patrick Esomu.

The panel members were Mr Stephen Chappell (lay panellist – in the chair), Mrs Megan Gomm (lay panellist) and Mrs Nicola Anderson (teacher panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Capsticks LLP solicitors.

Mr Esomu was present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 27 September 2023.

It was alleged that Mr Esomu was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. On or around [REDACTED] November 2019, he intentionally:
 - a) Pushed Child A; and
 - b) Slapped and/or hit Child A on one or more occasions across the face and/or body:
 - i) With his hand(s); and
 - ii) With a shoe.

During the hearing Mr Esomu admitted allegation 1(a) and denied allegation 1(b)(i) and (ii). Mr Esomu further denied that his behaviour amounted to unacceptable professional conduct or bringing the profession into disrepute.

Preliminary applications

Application to admit additional documents

The panel considered a preliminary application from the teacher for the admission of additional documents. The teacher's documents were witness statements from the Teacher and Child A.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the 'Teacher misconduct: Disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures'). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the 2018 Procedures.

The panel heard representations from the teacher and the presenting officer. The application was not opposed by the presenting officer.

The panel considered the additional documents were relevant and it was fair to admit them. Accordingly, the documents were added to the bundle.

Application for statement of witness to be admitted as hearsay

The presenting officer made an application that the statement of [REDACTED], Investigating Officer on behalf of West Midlands Police, be admitted as hearsay evidence

in the absence of the witness. This application was not opposed by the teacher. After receiving submissions from the presenting officer and Mr Esomu and receiving legal advice, the panel made the following decision.

The panel carefully considered the submissions made in determining whether it would be fair to admit the statement as hearsay evidence. The panel noted that the evidence of the witness was not the sole and decisive evidence in relation to the allegations.

Furthermore, the evidence was not such that the panel felt that it would be unable to test its reliability in the absence of the witness, as Child A would be giving evidence before the panel. The panel concluded that the balance of fairness was not against admitting the statement as hearsay evidence. Accordingly, the panel determined that the statement of the witness would be admitted and would be considered in the panel's deliberations.

Application for Child A's evidence to be heard first and to agree necessary measures to safeguard the interests of Child A

The parties made an application that Child A, a witness called by Mr Esomu, give evidence at the outset of the hearing.

The panel carefully considered the submissions made by the presenting officer on behalf of the parties and legal advice in determining the application and necessary safeguarding measures for Child A.

The panel noted that paragraph 4.49 of the April 2018 Procedures allows the chair discretion as to the procedure to be followed at the hearing. The panel was satisfied this extended to the order of witnesses. The panel accepted Child A's evidence may be determinative of the case, and that it would not prejudice either party by Child A giving evidence first. Accordingly, the application was granted.

The panel decided that the following measures were necessary to safeguard the interests of Child A, [REDACTED];

- The legal adviser, presenting officer and Mr Esomu to meet Child A in a virtual meeting room ahead of their evidence to explain the hearing procedure, and to discuss any necessary measures to support them (including but not limited to the measures set out in paragraph 4.72 of the April 2018 Procedures);
- Child A to give evidence [REDACTED]
- Mr Esomu to provide the panel with any questions of examination and/or re-examination of Child A and the chair would put the appropriate questions to Child A;
- Where possible, limit the number of people who put questions to Child A.

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

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 5
- Section 2: Notice of proceedings and response – pages 6 to 15
- Section 3: TRA witness statements – pages 16 to 25
- Section 4: TRA documents – pages 26 to 170
- Section 5: Teacher documents – pages 171 to 177

The panel also received a bundle of correspondence with [REDACTED] and Child B consisting of:

- Section 1: Communications with [REDACTED] – pages 2 to 17
- Section 2: Communications with Child B – pages 18 to 42

In addition, the panel agreed to admit the following documents:

- Witness statement of Mr Esomu dated 26 October 2023; and
- Witness statement of Child A dated 26 October 2023.

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

Witnesses

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

- Witness A, [REDACTED]

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

- Mr Esomu; and
- Child A.

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 1 January 2019, Mr Esomu commenced employment at the Avon Valley School and Performing Arts College ('the School').

On [REDACTED] November 2019, the alleged incident involving Child A took place, [REDACTED]. Child A was [REDACTED] years old at the time.

On [REDACTED] November 2019, [REDACTED] took Child A to hospital due to injuries to the left side of their face and right wrist. Child A disclosed to the hospital staff [REDACTED], Mr Esomu, had hit them repeatedly in the face with a shoe.

On 19 November 2019, the police and [REDACTED] conducted a [REDACTED] visit to obtain accounts from Child A [REDACTED]

On 21 November 2019, Mr Esomu attended a voluntary interview with the police.

On 1 December 2019, Mr Esomu signed a community resolution form, which indicated that he accepted wilfully exposing Child A to unnecessary suffering/injury to health.

Findings of fact

The findings of fact are as follows:

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

1. On or around [REDACTED] November 2019, he intentionally:

a) Pushed Child A; and

b) Slapped and/or hit Child A on one or more occasions across the face and/or body:

i) With your hand(s).

The panel noted that Mr Esomu denied slapping or hitting Child A with his hand(s) or a shoe.

The panel noted Mr Esomu's admission that he had intentionally lifted and pushed Child A [REDACTED] on [REDACTED] November 2019, and in doing so their face came into contact with the [REDACTED]. Mr Esomu stated in oral evidence that he had used excessive force when pushing Child A [REDACTED], and that Child A had sustained an injury to their right hand by gripping [REDACTED].

Mr Esomu further admitted that his actions on that day caused Child A to sustain the injuries documented in the West Midlands Police Case Summary ('Case Summary') included in the bundle:

- [REDACTED]
- [REDACTED]
- [REDACTED]

Mr Esomu stated during his oral evidence that he had been sent photographs of Child A's injuries by [REDACTED] and these were consistent with the description in the Case Summary.

It was accepted by Mr Esomu and Child A in their evidence that Child A attended [REDACTED] Hospital ("the Hospital") on 18 November 2019 to receive treatment for their injuries sustained during the incident.

The panel noted the content of the Record of Strategy Discussion included in the bundle dated 19 November 2019 which confirms the account of the incident provided to the Hospital by Child A on 18 November 2019. The document states Child A disclosed that Mr Esomu pushed them causing them to fall onto the [REDACTED] and injure their hand, and then hitting them with his hand and then his shoe striking them on the face and legs.

The panel considered the witness statement and oral evidence of Witness A, [REDACTED] who deals with [REDACTED]. Witness A [REDACTED].

Witness A explained that the doctor shared that [REDACTED] had brought Child A to the Hospital because of injuries they had sustained following a physical assault by Mr Esomu.

Witness A explained that the seriousness and significance of the referral, namely abuse to a child, meant that a strategy meeting was held with all of the relevant professionals involved. Witness A stated that arrangements were made between [REDACTED] and the police for a [REDACTED] visit to see Child A. Witness A stated that [REDACTED] completed the visit with the police on 20 November 2019.

The panel noted the content of [REDACTED] witness statement. The panel concluded that [REDACTED] hearsay evidence could be given sufficient weight to be relied upon, as he produced documents which were contemporaneous with events and compiled as part of a police investigation. The panel noted Mr Esomu did not object to the evidence, part of which was the record of interview with Mr Esomu and the panel had the benefit of listening to the audio recording.

[REDACTED] stated that Child A [REDACTED] on 20 November 2019. [REDACTED]. He stated that he did not recall if [REDACTED] was interviewed separately. [REDACTED] confirmed that Child A's account in the Case Summary, is an accurate summary of the account Child A had provided to him during his joint visit with [REDACTED].

The panel noted [REDACTED] evidence regarding Child A's disclosure on 20 November 2019 was not contradicted by [REDACTED] and was consistent with contemporaneous documentary evidence.

The panel noted that Child A's account of the incident reported in the Case Summary was consistent with their disclosure to the doctor at the Hospital and [REDACTED] corroborated the detail of that disclosure.

The panel noted that Child A's witness statement was inconsistent with their initial disclosure to the Hospital and subsequent disclosure on 20 November 2019 to [REDACTED] and [REDACTED], when they attended the home of Child A to conduct interviews [REDACTED]. The panel noted that Child A's account in their witness statement aligned with that of Mr Esomu.

The panel noted Child A was unable to recall in their oral evidence the detail of the incident on [REDACTED] November 2019 and further they were unable to recall what they had disclosed to [REDACTED] and [REDACTED]. The panel further noted that Child A stated in oral evidence that they could not remember the detail of the original versions they gave at the relevant time, nor the details of their most recent statement dated 26 October 2023.

Mr Esomu confirmed that he had voluntarily agreed to be interviewed by [REDACTED] regarding the incident on 21 November 2019. The panel listened to the audio recording of Mr Esomu's interview with [REDACTED] and considered the written transcript of the interview.

The panel noted the explanation given by Mr Esomu during the interview, as recorded in the interview notes and summarised by [REDACTED] in his witness statement. [REDACTED] stated that Mr Esomu explained that on the afternoon of the [REDACTED]. Mr Esomu said that an argument started about [REDACTED].

[REDACTED]

[REDACTED] stated that Mr Esomu told him that after [REDACTED].

[REDACTED] further stated that Mr Esomu said he told [REDACTED] he was “sorry” and apologised to Child A, and that [REDACTED] then took Child A to hospital.

[REDACTED] finally stated that [REDACTED], but not consistent with the account provided by Mr Esomu.

[REDACTED] explained that he and [REDACTED] discussed the outcomes of the interviews with [REDACTED], who told them that Child A, [REDACTED] did not want to provide evidence against Mr Esomu, [REDACTED] stated that they were unable to obtain a charging decision or a view from CPS without direct witnesses. He stated that he and [REDACTED] did not consider that it was proportionate to summons Child A [REDACTED]

Mr Esomu confirmed that he [REDACTED] being put in place, and within this he admitted to wilfully exposing Child A to unnecessary suffering/injury to health and agreed to complete a [REDACTED]. Mr Esomu further explained that he completed a [REDACTED], anger management course, and an 8-week [REDACTED] course in [REDACTED] Mr Esomu explained that he thought the courses would be useful to develop his [REDACTED] skills and avoid repetition of such an event reoccurring.

Witness A confirmed that they were allocated to work with Child A and [REDACTED] from 5 December 2019, following the community resolution being put in place.

Witness A stated that after the case was allocated to [REDACTED] on 5 December 2019, [REDACTED] completed a record of outcome of the [REDACTED] using information from the [REDACTED] visit. [REDACTED] submitted that her recommendation was that there should be an [REDACTED].

Witness A explained that the [REDACTED] conference took place on 20 December 2019 and the recommendation to make Child A and [REDACTED] subject to a [REDACTED]. [REDACTED] stated that recommendations were made [REDACTED] relating to Child A, [REDACTED] and giving them support, and was about what work Mr Esomu had to do in terms of his anger. [REDACTED] submitted that there was also a recommendation [REDACTED].

Witness A stated that at this point Child A, [REDACTED] did not want to [REDACTED].

[REDACTED] stated that [REDACTED] meetings took place every four weeks in order [REDACTED]. Witness A submitted that during the [REDACTED] in place for Child A [REDACTED] were ended and [REDACTED] to [REDACTED]. [REDACTED] stated this was because Mr Esomu was engaging with what he needed to do and there were no further concerns.

Witness A stated that on 21 May 2020, there was a review of the [REDACTED] and made a decision to close this matter to [REDACTED]. [REDACTED] stated that on 21 May 2020, [REDACTED] sent an email to the headteacher of the School, to ask whether Mr Esomu was still employed there. [REDACTED] stated that the headteacher responded to her on 27 May 2020 and said that a disciplinary meeting was held in respect of Mr Esomu and he was given a two year final written warning and remained employed with them. [REDACTED] stated that this matter was closed on 8 June 2020.

The panel considered the evidence of Mr Esomu that he did not deliberately assault Child A and/or that his actions amounted to gross misconduct as a teacher. He stated that he was under significant pressure at the time of the incident ([REDACTED], and work pressure) and this led to his out of character conduct and misjudgement due to [REDACTED].

[REDACTED]

Mr Esomu stated in his oral evidence that he suspected [REDACTED] had influenced Child A, [REDACTED] disclosures to the police and [REDACTED]. The panel noted that Mr Esomu stated that he had no evidence to support this contention, it was purely speculation on his part. The panel further noted Child A stated in their oral evidence that they did not think anyone had influenced what they told [REDACTED] and [REDACTED]. The panel concluded there was insufficient evidence to support Mr Esomu's suggestion of undue influence.

In addition to the witness evidence and documentary evidence referred to above, the panel also considered the child protection conference report, the community resolution order which Mr Esomu signed on the 1 December 2019 and the communications with [REDACTED].

The panel considered that the majority of Mr Esomu's account of the incident was improbable, as it was inconsistent with the pattern and severity of the injuries sustained by Child A. On balance, the panel concluded that it was more likely than not that the incident occurred in accordance with the initial disclosure made by Child A (save in one respect which is dealt with below) in that Mr Esomu pushed Child A [REDACTED] and slapped them with his hand(s).

The panel noted that Mr Esomu admitted that he became enraged and lost his temper with Child A, taking out his frustrations on the [REDACTED] and that he was responsible for Child A sustaining serious injuries. The panel further noted, Mr Esomu's oral evidence that his heightened emotional state lasted [REDACTED] approximately 45 minutes.

The panel found allegations 1(a) and 1(b)(i) proven.

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

1. On or around [REDACTED] November 2019, he intentionally:

b) Slapped and/or hit Child A on one or more occasions across the face and/or body:

ii) With a shoe.

The panel noted the evidence of Mr Esomu who stated that prior to the incident it had rained, making the [REDACTED] which was under construction muddy and that he would have attempted to clean his shoes prior [REDACTED]. The panel noted the evidence of Child A who confirmed the [REDACTED] was muddy.

The panel noted there was no evidence to suggest that Child A was covered in mud which would have been consistent with being hit with Mr Esomu's shoe.

On balance, the panel concluded that it was not probable that Mr Esomu removed his shoe in the muddy conditions to hit Child A.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Esomu, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Esomu 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.

The panel was satisfied that the conduct of Mr Esomu amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel found that the offences of violence and child cruelty and/or neglect were relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations 1(a) and 1(b)(i) took place [REDACTED]. The panel considered nonetheless that Mr Esomu's conduct touched upon his profession and pupils should not be exposed to such harmful physical behaviour. The panel considered that parents would be concerned to find out that their children were being taught by someone who had physically assaulted [REDACTED] child. The panel noted Mr Esomu's oral evidence that he would not want to leave [REDACTED] in the care of a teacher who had assaulted a child.

Accordingly, the panel was satisfied that Mr Esomu 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 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 noted the oral evidence of Mr Esomu that members of his community found his conduct at the time shocking and did not trust him to provide free maths and science tuition to their children.

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

Having found the facts of allegations 1(a) and 1(b)(i) proved, the panel further found that Mr Esomu'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 and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils and the protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct;
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Esomu, which involved a physical assault of [REDACTED] child, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and upholding proper standards of conduct.

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

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

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 Esomu. 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 Esomu. 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 well-being of pupils; and
- 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).

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 noted Mr Esomu's evidence that he did not deliberately set out to injure Child A. The panel concluded that Mr Esomu was in a heightened emotional state at the relevant time, and he acted impulsively.

Whilst there was no evidence that Mr Esomu was acting under extreme duress, the panel accepted Mr Esomu's evidence that at the time he was experiencing significant stress which caused him to act out of character and the panel noted the reasons as follows:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- feeling pressure to improve at work due to poorly performing students, and concerns about exam results.

The panel noted Mr Esomu's evidence that these stressors negatively impacted his [REDACTED] and his judgement. The panel further noted that Mr Esomu did not refer to these stressors as an excuse for his behaviour, for which he expressed deep remorse, but to explain that his behaviour was an isolated incident at a very difficult time of his life.

Mr Esomu had shown remorse for his actions almost immediately after the incident, encouraging [REDACTED] to take Child A to the hospital for treatment.

Mr Esomu stated that he regrets his actions each day of his life, and that there has not been a single day where he has not wished that he had not acted in this way. He stated that knowing the harm he caused [REDACTED] has caused him countless sleepless nights and that this had never happened before and would not happen again. The panel

considered that Mr Esomu did not seek to minimise the physical and emotional impact of his actions on Child A and more broadly [REDACTED].

Mr Esomu stated that he prays that he will have the opportunity to carry on teaching where he is getting support and training to become a better teacher, [REDACTED], citizen and employee.

Mr Esomu submitted that he takes full responsibility for his actions in causing Child A's injuries. Whilst Mr Esomu did not admit to all of the proven allegations, the panel noted that he never denied causing the injuries to Child A and was open with the police when he voluntarily participated in an interview on 21 November 2019. The panel noted from the audio recording of the interview that at the time Mr Esomu expressed genuine remorse and upset for his actions.

The panel considered that Mr Esomu had demonstrated deep insight into his actions during the hearing. The panel noted Mr Esomu's acceptance that if the panel chose to recommend prohibition that *"he deserved it as he had messed up"*.

The panel noted the evidence of Mr Esomu and [REDACTED] that he had reflected on his actions and sought and taken help recommended by professionals. The panel considered that Mr Esomu had engaged positively with the training offered by [REDACTED] and demonstrated a willingness to engage relevant support in the future if he faces similar challenges to those he experienced in 2019.

Mr Esomu stated that in future he will seek help much earlier if he is stressed or concerned about [REDACTED]. He stated that he is open to training, mentoring, re-assignment, counselling and any other help his employer can give him to be a better [REDACTED] and teacher.

Mr Esomu explained that he had continued to teach following the incident and there has been no reoccurrence of the behaviours he exhibited on [REDACTED] November 2019. The panel noted Mr Esomu's statement that the incident means he has more empathy for his pupils who are at-risk because he [REDACTED] and the importance of reporting any concerns.

The panel considered that the risk of Mr Esomu repeating his behaviour was low, as he had demonstrated deep insight and remorse for his actions and the panel concluded that he does not present a real on-going risk to pupils.

There was no evidence that Mr Esomu demonstrated exceptionally high standards in both personal and professional conduct, or that he had contributed significantly to the education sector. However, the panel recognised from Mr Esomu's statements that he is a committed educator, who is passionate about supporting his pupils to achieve academic success.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given the nature and severity of the behaviour 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.

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 also found some of the allegations not proven. I have, therefore, put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that 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 Esomu 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.

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

The findings of misconduct are serious as they involve the physical abuse of a child resulting in serious injury.

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 Esomu, 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 that it, "...noted that the allegations 1(a) and 1(b)(i) took place [REDACTED]. The panel considered nonetheless that Mr Esomu's conduct touched upon his profession and pupils should not be exposed to such harmful physical 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 set out as follows, "Mr Esomu stated that he regrets his actions each day of his life, and that there has not been a single day where he has not wished that he had not acted in this way. He stated that knowing the harm he caused [REDACTED] has caused him countless sleepless nights and that this had never happened before and would not happen again. The panel considered that Mr Esomu did not seek to minimise the physical and emotional impact of his actions on Child A and more broadly [REDACTED]."

The panel also recorded that, "Mr Esomu submitted that he takes full responsibility for his actions in causing Child A's injuries. Whilst Mr Esomu did not admit to all of the proven allegations, the panel noted that he never denied causing the injuries to Child A and was open with the police when he voluntarily participated in an interview on 21 November 2019. The panel noted from the audio recording of the interview that at the time Mr Esomu expressed genuine remorse and upset for his actions."

The panel also noted that it, "...considered that Mr Esomu had demonstrated deep insight into his actions during the hearing. The panel noted Mr Esomu's acceptance that if the panel chose to recommend prohibition that *"he deserved it as he had messed up"*.

I have, therefore, given the panel's comments regarding the significant degree of remorse and insight demonstrated by Mr Esomu considerable weight in making my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observed, "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 noted the oral evidence of Mr Esomu that members of his community found his conduct at the time shocking and did not trust him to provide free maths and science tuition to their children." I am particularly mindful of the finding of physical abuse of a child in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Esomu himself and the panel's comment that, "There was no evidence that Mr Esomu demonstrated exceptionally high standards in both personal and professional conduct, or that he had contributed significantly to the education sector. However, the panel recognised from Mr Esomu's statements that he is a committed educator, who is passionate about supporting his pupils to achieve academic success."

A prohibition order would prevent Mr Esomu 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 very significant levels of insight and remorse demonstrated by Mr Esomu. I have noted the panel's conclusion that it "...considered that the risk of Mr Esomu repeating his behaviour was low, as he had demonstrated deep insight and remorse for his actions and the panel concluded that he does not present a real on-going risk to pupils." I am also

mindful of the mitigating factors put forward by Mr Esomu, which may have contributed towards what appears to be uncharacteristic behaviour even if they cannot excuse it, and the steps that he has taken since to seek help and support. Finally, I have noted that Mr Esomu has continued to teach since these events occurred and that in those four years there appears to have been no repetition of the behaviour found by the panel.

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

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

Decision maker: Marc Cavey

Date: 9 November 2023

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