



Teaching
Regulation
Agency

Mr Oliver Owen: Professional conduct panel meeting outcome

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

November 2023

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

Teacher:	Mr Oliver Owen
TRA reference:	21392
Date of determination:	30 November 2023
Former employer:	All Saints Academy, Dunstable

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 30 November 2023, to consider the case of Mr Oliver Owen (“Mr Owen”)

The panel members were Ms Geraldine Baird (lay panellist – in the chair), Ms Helen Knee (lay panellist) and Mr Philip Thompson (teacher panellist).

The legal adviser to the panel was Miss Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Owen that the allegations be considered without a hearing. Mr Owen provided a signed statement of agreed facts and admitted unacceptable professional conduct and that his conduct may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Kiera Riddy, Mr Owen or his representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 20 September 2023.

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

1. He engaged in inappropriate physical contact with Child A by throwing a book at Pupil A on or around 30 June 2022:
2. His conduct as may be found proven at allegation 1 caused harm and/or injury to Child A's face;
3. He made one or more inappropriate comments;
 - a. in the presence of one or more pupils by stating "acting like fucking animals" or using words to that effect on or around 27 June 2022;
 - b. including by stating to a pupil "fuck you" or using words to that effect

Mr Owen admitted the facts of the allegations in a signed statement of agreed facts and that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Notice of referral, notice of meeting and response – pages 4 to 17

Section 2: Statement of agreed facts and presenting officer representations – pages 19 to 23

Section 3: Teaching Regulation Agency documents – pages 25 to 108

Section 5: Teacher documents – pages 110 to 115

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Owen on 15 August 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Owen for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

The panel had sight of Mr Owen's written confirmation dated 21 August 2023, stating that "I am content with proceeding to the unattended meeting."

Mr Owen was employed at All Saints Academy ("the School") as a Teacher of History from 15 November 2021. On 30 June 2022, Mr Owen threw a book at Child A. Mr Owen maintained that he threw the book underarm, intending for it to land on Child A's desk, but instead it was alleged that the book hit Child A in the face.

Mr Owen was suspended on 30 June 2022 on a precautionary basis and not as a disciplinary measure to enable an investigation to be conducted.

During the course of the School's investigation, a selection of pupil statements were taken. The pupils alleged that Mr Owen threw the book at Child A with power. Allegations were also made by [REDACTED] pupils against Mr Owen for inappropriate language used on 27 June 2022. The pupils reported that Mr Owen screamed at the class saying they were "acting like fucking animals" and "annoying beasts" and stated to a [REDACTED] pupil "fuck you".

In the School's investigation meeting on 4 July 2022, Mr Owen stated that he did throw a book underarm which hit Child A. Mr Owen denied that the book was thrown with power.

Mr Owen did not dispute the allegations at a disciplinary hearing on 15 July 2022.

Mr Owen ceased employment with the School on 31 August 2022.

Findings of fact

The findings of fact are as follows:

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

1. You engaged in inappropriate physical contact with Child A by throwing a book at Pupil A on or around 30 June 2022

Mr Owen admitted that he threw a book at Child A and that this was inappropriate physical conduct in the signed statement of agreed facts.

The panel had sight of the School's investigatory meeting notes where it stated that Mr Owen "saw a book was thrown behind where he was sitting...and he saw that Child A had thrown it." Mr Owen "stated that he worked with the girls for another minute. He then picked up the book and threw it at the center [sic] table and it hit Child A in the face."

The panel had sight of the notes from the School's disciplinary hearing, where Mr Owen's representative confirmed that Mr Owen did throw a book at a pupil and it had hit them in the face.

The panel also reviewed the statements from the pupils in the classroom, who stated that a book was thrown at Child A.

The panel found allegation 1 proved.

2. Your conduct as may be found proven at allegation 1 caused harm and/or injury to Child A's face

Mr Owen admitted that by throwing the book, it caused harm and injury to Child A's face in the signed statement of agreed facts.

The panel had sight of the notes from the School's disciplinary hearing, where Mr Owen's representative confirmed that Mr Owen did throw a book at a pupil and it had hit them in the face.

The panel also reviewed the statements from the pupils in the classroom, who stated that a book was thrown at Child A and had hit Child A in the face.

The panel found allegation 2 proved.

3. You made one or more inappropriate comments;

a. in the presence of one or more pupils by stating "acting like fucking animals" or using words to that effect on or around 27 June 2022;

Mr Owen admitted, in the signed statement of agreed facts, that in the presence of his pupils he used comments towards them such as that they were "acting like fucking animals" and that this was inappropriate.

The panel had sight of the notes from the School's disciplinary hearing, where Mr Owen thought he had said "you are behaving like fucking animals" to his pupils. The notes stated that Mr Owen had realised this was not an appropriate way to communicate.

The panel also reviewed the statements from the pupils in the classroom, who stated that Mr Owen "started screaming 'your [sic] acting like fucking animals'".

The panel found allegation 3.a proved.

b. including by stating to a pupil "fuck you" or using words to that effect

Mr Owen admitted, in the signed statement of agreed facts, that he stated to a pupil "fuck off" and that this was inappropriate.

In the School's disciplinary hearing, Mr Owen was asked whether he had behaved in the manner as alleged in previous lessons with his pupils. Mr Owen stated that there was a lesson with the same [REDACTED] class some months ago when he said 'fuck you' to a student.

The panel found allegation 3.b proved.

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

Having found all 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 Owen, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Owen was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Owen, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Owen was in breach of the following provision:

- Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.

The panel was satisfied that the conduct of Mr Owen, in relation to the facts found proved, involved breaches of Working Together to Safeguard Children. The panel considered that Mr Owen was in breach of the following provision:

- Everyone who works with children has a responsibility for keeping them safe.

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

The panel also considered whether Mr Owen’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be “unacceptable professional conduct”. The panel noted that his conduct in throwing a book at Child A was reckless and that his inappropriate language did not adhere to the standards expected of a teacher.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel also considered whether Mr Owen's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel noted that his conduct in throwing a book at Child A, and causing harm to child's face would seriously damage the public's perception of a teacher.

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.

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

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

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Owen and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils 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 the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Owen, which involved findings of inappropriate physical conduct and inappropriate comments to pupils, there was a strong

public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Owen 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 Owen was outside that which could reasonably be tolerated.

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

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- 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

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

There was evidence that Mr Owen's actions were deliberate. Mr Owen had accepted that he had thrown the book at Child A and made inappropriate comments to pupils. Mr Owen stated in the disciplinary hearing that he had not acted like the adult and especially not the teacher in the room.

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

Mr Owen was a first year Early Career Teacher ('ECT') at the time of the incidents and so the panel was not aware of any previous history in his role as a teacher.

The panel was provided with a statement from Mr Owen. Mr Owen stated:

“I felt and still feel disgusted by myself regarding my actions. Particularly my throwing a book at a child in the [REDACTED] class. My attitude directly after the book throwing i.e., comments I made that showed an attitude of unaccountability, particularly “I can do what I want”, are repulsive. I spent a great deal of time after my dismissal, reflecting on whether I was even suitable to be a teacher, given these incidences of gross misconduct, and betrayal of children’s trust. I reflected that a teacher has a vast amount of power in a school and particularly a classroom. This is something I had not previously thought through to its logical conclusion. That is to say, the power of a teacher is extremely serious, and when that power is abused, it is shattering to students. I now understand, that in every single circumstance, no matter how difficult, I must act with complete professionalism. I will carry the shame of the actions I did at All Saints Academy Dunstable with me now forever. I feel particularly sorry to the child who I threw the book at, who will now remember this incident and carry it with them.”

The panel noted Mr Owen’s clear insight and remorse for his actions, with a particular understanding of the impact that his actions would have had on Child A. The panel also acknowledged the incidents took place over a short period of time, during a difficult period in his first year as a ECT.

The panel had sight of a reference from his current employer which stated as follows:

“Oliver has proven to be a hard working member of the humanities department. He has settled into the school well, and adjusted to the demands of teaching a number of different subjects. When he has encountered difficulties, he has actively sought out advice and taken it on board in his practice, for example by changing the layout of tables in his teaching room. Oliver has worked hard to build a report [sic] with staff and students alike, and is beginning to settle into his role at a new school. He was up front and honest about his situation during the interview process, and has not shown any signs of concern with regard to his conduct around students.”

The panel noted that Mr Owen was honest from the very start of the School’s investigation, admitting to his inappropriate conduct, and that he had been open with his current employer regarding the nature of his previous misconduct.

The panel reviewed the notes from Mr Owen’s progress review form, that was completed after two terms of working at his current employer. The panel noted the particular reference to Mr Owen’s hard work to “develop on the teacher standards in this term.”

The panel was also provided with character statements for Mr Owen.

A current colleague of Mr Owen stated “Mr. Owen's recent addition to our teaching staff has proven to be a remarkable asset to our school community. Since joining us, he has exhibited a dedication to enhancing our A Level politics curriculum. Mr. Owen's commitment to academic excellence is evident in his meticulous planning and innovative teaching methods, which have ignited a renewed passion for politics among our students.

His ability to simplify complex political concepts and foster critical thinking skills has resulted in improved student performance and a deeper understanding of the subject matter.”

Another current colleague of Mr Owen stated “Oliver is a valuable member of the History department. In his short time at the school, he has stepped up and taught many subjects outside of his specialism which shows his ability to be a team player. Oliver has good working relationship with the other departments in Humanities as a result of this.”

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel noted Mr Owen’s clear insight and remorse for his actions, with a particular understanding of the impact that his actions would have had on Child A. The panel also considered Mr Owen’s honesty from the very start of the School’s investigation and subsequently to his current employer. The panel also acknowledged Mr Owen’s honesty and openness in the course of the current TRA’s proceedings. The panel noted that the incidents took place over a short period of time, during a difficult period in his first year as an ECT.

The panel noted that Mr Owen is currently employed in a supportive teaching environment and has gained more experience as a teacher since the time of the allegations.

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

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and/or 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 Oliver Owen is in breach of the following standards:

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

The panel was satisfied that the conduct of Mr Owen involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are serious as they involve an incident which resulted in physical harm to a pupil.

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 Owen, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel's findings include inappropriate physical conduct toward a pupil resulting in injury and inappropriate language directed towards 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 noted Mr Owen's clear insight and remorse for his actions, with a particular understanding of the impact that his actions would have had on Child A." I have given this 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 record that it "...noted that his conduct in throwing a book at Child A, and causing harm to the child's face would seriously damage the public's perception of a teacher." I am also mindful of the finding that Mr Owen directed inappropriate language towards pupils and the potential negative impact this could have 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 on Mr Owen himself. The panel noted that it had received several references and testimonials attesting to his ability as a history teacher. I also note that Mr Owen has secured employment at a new school where he is said to be making a positive impact regarding the education of his students.

A prohibition order would prevent Mr Owen 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 that it had "... noted Mr Owen's clear insight and remorse for his actions, with a particular understanding of the impact that his actions would have had on Child A. The panel also considered Mr Owen's honesty from the very start of the School's investigation and subsequently to his current employer. The panel also acknowledged Mr Owen's honesty

and openness in the course of the current TRA's proceedings. The panel noted that the incidents took place over a short period of time, during a difficult period in his first year as an ECT."

I concur with the panel that, in this case, 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 Mr Owen 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: 4 December 2023

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