



Teaching  
Regulation  
Agency

# **Mr Steven Ballantyne: Professional conduct panel outcome**

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

**December 2023**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

<b>Teacher:</b>	Mr Steven Ballantyne
<b>Teacher ref number:</b>	0718153
<b>Teacher date of birth:</b>	19 February 1981
<b>TRA reference:</b>	19851
<b>Date of determination:</b>	21 December 2023
<b>Former employer:</b>	Northumberland County Council, Morpeth

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 21 December 2023 by way of a virtual hearing, to consider the case of Mr Steven Ballantyne.

The panel members were Mrs Patricia Hunt (lay panellist – in the chair), Ms Nicola Hartley (lay panellist) and Mr Francis Murphy (teacher panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Greg Foxsmith of Kingsley Napley LLP solicitors.

Mr Ballantyne was not 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 allegation set out in the notice of proceedings dated 11 October 2023.

It was alleged that Mr Ballantyne was guilty of having been convicted of a relevant offence, in that, on 9 August 2022, he was convicted of:

1. Act of outraging public decency.

Mr Ballantyne provided no admission of fact in respect of allegation 1.

## Preliminary applications

### Application to proceed in the absence of the teacher

Mr Ballantyne was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Ballantyne.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Ballantyne in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel concluded that Mr Ballantyne's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Ballantyne had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Ballantyne was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Ballantyne was neither present nor represented.

## 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 3 to 4
- Section 2: Notice of proceedings and response – pages 5 to 17
- Section 3: TRA documents – pages 18 to 118

In addition, the panel was provided with a bundle of documents regarding the TRA's various attempts to contact Mr Ballantyne (the 'Service Bundle') in advance of the hearing.

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

### Witnesses

The TRA did not call any witnesses to give evidence at the hearing.

## 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 3 November 2005, Mr Ballantyne commenced employment at Northumberland County Council. He worked as a music tutor for the Music Partnership Service of the Council's Children's Services Directorate.

On 28 January 2021, Mr Ballantyne was arrested on suspicion of engaging in an Act of Outraging Public Decency.

On 3 February 2021, an internal disciplinary investigation was undertaken.

On 2 March 2021, an investigatory interview was held with Mr Ballantyne, and on 26 May 2021, a second investigatory meeting was held with Mr Ballantyne.

On 15 July 2021, a disciplinary hearing was held.

On 9 August 2022, Mr Ballantyne was found guilty at Newcastle upon Tyne Crown Court of the offence of an Act of Outraging Public Decency.

On 30 September 2022, Mr Ballantyne was sentenced to 5 months imprisonment wholly suspended for 2 years, a Sexual Harm Prevention Order for 5 years and a Sex Offenders Notice for 5 years.

## **Findings of fact**

The findings of fact are as follows:

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

**You have been convicted of a relevant offence in that, on 9 August 2022, you were convicted of:**

### **1. Act of outraging public decency.**

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Newcastle upon Tyne Crown Court, which detailed that Mr Ballantyne had been convicted of an Act of outraging public decency on 9 August 2022.

Further, on 30 September 2022, Mr Ballantyne was sentenced to 5 months imprisonment suspended for 2 years; unpaid work for 200 hours; a rehabilitation activity requirement for 30 days; a requirement to register with the police for 5 years; a sexual harm prevention order for 5 years and to pay a victim surcharge of £128.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 were proven.

## **Findings as to conviction of a relevant offence.**

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Ballantyne, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Ballantyne 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:
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Although this matter relates to conduct outside of the education setting, the panel was of the view that Mr Ballantyne's actions were relevant to teaching, working with children and working in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ballantyne's behaviour in committing the offence could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.

The panel noted that Mr Ballantyne's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case concerning an offence involving sexual activity, which the Advice states is more likely to be considered a relevant offence.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Ballantyne's ongoing suitability to teach.

The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Accordingly, the panel was satisfied that Mr Ballantyne's conviction amounted to a conviction, at any time, of a relevant offence.

## Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 was 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 within the teaching profession; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the nature of the offence for which Mr Ballantyne was convicted, there was a strong public interest consideration in the protection of pupils and other members of the public, given the seriousness of the allegation. His actions raised public and child protection concerns.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ballantyne was 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 Ballantyne 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 Ballantyne. 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 Ballantyne. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- sexual misconduct, for example, 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; and
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism. This would encompass deliberately allowing the exposure of pupils to such actions or behaviours, including through contact with any individual(s) who are widely known to express views that support such activity, for example by inviting any such individuals to speak in schools.

Even though 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.

There was no evidence that Mr Ballantyne's actions were not deliberate.

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

There was no evidence which demonstrated that Mr Ballantyne had contributed significantly to the education sector.

The panel took into account a statement written by Mr Ballantyne, where he set out some mitigation. Mr Ballantyne submitted that in his 18 years at Northumberland County Council he "*trained, re-trained, and constantly reinforced*" his safeguarding commitment to children's welfare. The panel noted Mr Ballantyne's previous good character in terms of his previous good history as a teacher and the fact there were no previous adverse findings in respect of regulatory behaviour.

However, there was limited evidence of regret or remorse on the part of Mr Ballantyne.

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 Ballantyne 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 Ballantyne. The serious nature of Mr Ballantyne's offence involving serious sexual misconduct was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel considered that one of these behaviours was relevant, as the offence involved serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found none of these behaviours to be relevant.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without 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 the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Ballantyne 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:
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- 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 Ballantyne fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a relevant conviction involving an Act of outraging public decency.

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 a relevant conviction, 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 Ballantyne, 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, “In light of the nature of the offence for which Mr Ballantyne was convicted, there was a strong public interest consideration in the protection of pupils and other members of the public, given the seriousness of the allegation. His actions raised public and child protection concerns.” 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, “there was limited evidence of regret or remorse on the part of Mr Ballantyne.” In my judgement, the lack of evidence of regret or remorse 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 panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ballantyne’s behaviour in committing the offence could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.” I am particularly mindful of the finding of a conviction for an Act of outraging public decency 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 relevant conviction, 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 Ballantyne and the panel comment “There was no evidence which demonstrated that Mr Ballantyne had contributed significantly to the education sector.” I have however taken account of the following “The panel took into account a statement written by Mr Ballantyne, where he set out some mitigation. Mr Ballantyne submitted that in his 18 years at Northumberland County Council he “*trained, re-trained, and constantly reinforced*” his safeguarding commitment to children’s welfare. The panel noted Mr Ballantyne’s previous good character in terms of his previous good history as a teacher and the fact there were no previous adverse findings in respect of regulatory behaviour.” A prohibition order would

prevent Mr Ballantyne 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 "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 Ballantyne was outside that which could reasonably be tolerated."

I have also placed considerable weight on the finding that "The panel decided that the public interest considerations outweighed the interests of Mr Ballantyne. The serious nature of Mr Ballantyne's offence involving serious sexual misconduct was a significant factor in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ballantyne 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.

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel considered that one of these behaviours was relevant, as the offence involved serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons."

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 seriousness of the findings and the lack of full insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Steven Ballantyne 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 Ballantyne 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 Ballantyne has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath the first few letters.

**Decision maker: Sarah Buxcey**

**Date: 4 January 2024**

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