



Teaching
Regulation
Agency

Mr Liam Oakes: Professional conduct panel meeting outcome

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

March 2023

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

Teacher: Mr Liam Oakes

TRA reference: 20273

Date of determination: 27 March 2024

Former employer: Mill Hill School, North London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 March 2024 virtually, to consider the case of Mr Liam Oakes.

The panel members were Mr Nicholas Catterall (lay panellist – in the chair), Mrs Kate Hurley (teacher panellist) and Dr Louise Wallace (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

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 Oakes that the allegations be considered without a hearing. Mr Oakes provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer and Mr Oakes.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 5 February 2024.

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

1. He engaged in inappropriate and/or unprofessional behaviour towards one or more colleagues on one or more occasions at a work event which was held on 1 July 2021, including by:

- a) Asking Individual A ‘Do you want to come home with me?’ on one or more occasions, despite her refusal;
- b) Engaging in physical contact with Individual A by:
 - i. Stroking her face with his hand;
 - ii. Trying to hold onto her hand;
 - iii. Grabbing her bottom;
- c) Following Individual A and/or refusing to leave her alone despite her requests for him to do so;
- d) Following Individual A to the toilet and attempting to get into the toilet that she was occupying, despite her asking him not to;
- e) Making inappropriate comments to Individual B, including the following comments, or comments to the effect of:
 - i. “when was the last time you had sex?”;
 - ii. “I bet you have not had sex for ages.”;
 - iii. “you must be really horny.”;
- f) Asking Individual B one or more questions about sex and/or her sex life;
- g) Following Individual B and/or refusing to leave her alone despite her requests for him do so;
- h) Engaging in physical contact with Individual B by:
 - i. Placing his hand on her leg;
 - ii. Making contact with her neck.

2. He engaged in inappropriate and/or unprofessional behaviour towards Individual B at an event in or around December 2019 by:

- i. Grabbing her bottom;
- ii. Trying to hold her hand;
- iii. Trying to hug her.

3. His behaviour towards Individual A and/or Individual B as may be found proven at allegations 1 and 2 above was conduct of sexual nature and/or was sexually motivated.

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: Chronology and anonymised pupil list – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 13

Section 3: Statement of agreed and disputed facts – pages 14 to 23

Section 4: Teaching Regulation Agency witness statements – pages 24 to 33

Section 5: Teaching Regulation Agency documents – pages 34 to 142

Section 6: Teacher documents – pages 143 to 152

Additionally the panel considered a number of medical records provided by Mr Oakes consisting of 62 pages.

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 Oakes on 17 January 2023.

In the statement, Mr Oakes admitted the allegations in full and that they would amount to unacceptable professional conduct and conduct which may bring the profession into disrepute.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Oakes 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.

Mr Oakes was initially employed as a Graduate Assistant from 2017 to 2019 at Mill Hill School (the "School") in North London which is an independent co-educational boarding and day school for pupils aged 13 to 18. From September 2019, Mr Oakes was a Teacher of PE and taught at GCSE and A-Level at the School. He did not hold Qualified Teacher Status.

On 1 July 2021, a staff social event to mark the end of the academic year took place at a local pub. Mr Oakes was in attendance at that event, as were a number of other members of staff. The event continued back at the School residences later that evening after the pub had closed.

On 16 July 2021, Individual A (a member of staff at the School), contacted the School's HR department asking to discuss how Mr Oakes behaved towards her at the social event. An investigation was started by the School. During that process, Individual B (also a member of staff at the School), additionally raised concerns about Mr Oakes' conduct towards her that evening and on a previous occasion.

Following the conclusion of its investigatory process, the School referred the matter to the TRA, which has resulted in this meeting.

Findings of fact

The findings of fact are as follows:

1. You engaged in inappropriate and/or unprofessional behaviour towards one or more colleagues on one or more occasions at a work event which was held on 1 July 2021, including by:

a) Asking Individual A 'Do you want to come home with me?' on one or more occasions, despite her refusal;

b) Engaging in physical contact with Individual A by:

i. Stroking her face with your hand;

ii. Trying to hold onto her hand;

iii. Grabbing her bottom;

c) Following Individual A and/or refusing to leave her alone despite her requests for you to do so;

d) Following Individual A to the toilet and attempting to get into the toilet that she was occupying, despite her asking you not to;

In a TRA statement for these proceedings, Individual A explained that she had attended the event with colleagues. During the course of the evening, Mr Oakes repeatedly approached her asking if she wanted to come home with him and was making physical contact with her. Despite Individual A rejecting Mr Oakes' advances, he continued to persist.

Once the staff group had left the pub and returned to the School, Individual A further explained that she left the group and went to use a toilet. Whilst in the toilet, Mr Oakes started knocking on the door asking to be let in and persisted to do so over a number of minutes, during which time, other staff members told Mr Oakes to leave.

Individual A also exhibited the statement she produced on 23 July 2021 detailing her account during the School's investigation.

Mr Oakes was interviewed in the School's investigation on 17 August 2021. In the notes of that meeting, it was recorded that Mr Oakes explained that he had consumed a significant amount of alcohol that evening as it had been one of the first opportunities to meet in a big group following earlier restrictions put in place as a result of the pandemic. He accepted the actions that Individual A said had occurred, but said he hadn't done it in 'horrible' way.

In the disciplinary hearing on 26 August 2021, the notes recorded that Mr Oakes apologised for his actions and stated that he was devastated and ashamed of his behaviour and stated that he wouldn't drink outside of his limits again.

In the statement of agreed facts Mr Oakes admitted this allegation in full. The panel was satisfied that the admission was unequivocal and was consistent with the surrounding evidence. Accordingly, the panel found the allegations in relation to Individual A proved.

e) Making inappropriate comments to Individual B, including the following comments, or comments to the effect of:

- i. “when was the last time you had sex?”;**
 - ii. “I bet you have not had sex for ages.”;**
 - iii. “you must be really horny.”;**
- f) Asking Individual B one or more questions about sex and/or her sex life;**
- g) Following Individual B and/or refusing to leave her alone despite her requests for you do so;**
- h) Engaging in physical contact with Individual B by;**
 - i. Placing your hand on her leg;**
 - ii. Making contact with her neck.**

In a TRA statement for these proceedings, Individual B explained she was also in attendance at the social event on 1 July 2021. As she was planning to move to another country, Individual B was leaving the school at the end of this academic year. She did not consume any alcohol whilst at the event. Whilst at the pub, Mr Oakes came and sat down next to Individual B and placed his hand on her leg. He apologised for a previous interaction that happened in December 2019. He went on to ask a number of questions about Individual B’s sex life, at which point Individual B stood up to walk away from him. Mr Oakes then followed her and kept trying to grab her including at some point putting her in a headlock. Individual B described that once he had let her go, she was in tears and then decided to leave the pub.

Having later been made aware of the School’s investigation into Mr Oakes by former colleagues, Individual B provided her account to the School’s investigators on 3 August 2021.

In the School’s investigation, Mr Oakes was recorded as stating that he wasn’t ‘reading’ the situation correctly with regards to his interaction with Individual B and accepted that his actions were ‘out of order’.

In the statement of agreed facts Mr Oakes admitted this allegation in full. The panel was satisfied that the admission was unequivocal and was consistent with the surrounding evidence. Accordingly, the panel found the allegations in relation to Individual B proved.

2. You engaged in inappropriate and/or unprofessional behaviour towards Individual B at an event in or around December 2019 by:

- i. Grabbing her bottom;**
- ii. Trying to hold her hand;**

iii. Trying to hug her.

In a TRA statement for these proceedings, Individual B explained about a previous incident in December 2019 and which was the reason why Mr Oakes initially approached her to apologise during the social event on 1 July 2021.

Individual B explained that following a social event she and Mr Oakes shared a taxi back to her home as she had agreed to allow Mr Oakes to stay in the spare room. During the taxi journey Mr Oakes repeatedly attempted to hold her hand to which Individual B stated 'that's not happening'. When back at the property, Mr Oakes attempted to hug Individual B, but she pushed him off. Individual B described at this point becoming uncomfortable and having to become more hostile in her responses. Mr Oakes then proceeded to grab Individual B's bottom. Individual B then described locking herself in her own room and not speaking to him again until the evening of the 1st of July 2021.

In the statement of agreed facts Mr Oakes admitted this allegation in full. The panel was satisfied that the admission was unequivocal and was consistent with the surrounding evidence. Accordingly, the panel found the allegations in relation to the 2019 interaction with Individual B proved.

3. Your behaviour towards individual A and/or individual B as may be found proven at allegations 1 and 2 above was conduct of sexual nature and/or was sexually motivated.

In the statement of agreed facts, Mr Oakes stated that he had considered the legal definitions of acting in a sexual nature and conduct being sexually motivated and that his conduct met these definitions. Mr Oakes therefore admitted this allegation in full.

The panel was satisfied that the admission was unequivocal and was consistent with the surrounding evidence. Accordingly, the panel found this allegation proved.

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

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

The panel also considered whether Mr Oakes' conduct displayed behaviours associated with any of the offences listed on pages 12 onwards of the Advice. 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 the offence of 'sexual activity' in the list, but did not consider Mr Oakes' actions as sharing the same gravity as a sexual offence.

The panel noted that the allegations mainly took place outside of the education setting and that there were no pupils in the School when the staff continued the social event at the School. However, as Mr Oakes' actions exclusively related to how he was interacting with colleagues, and the likely impact it would have on the future of those colleague relationships, the panel was satisfied that it could properly be considered as part of how Mr Oakes 'fulfilled his teaching role' and this could still amount to unacceptable professional conduct. This was particularly so as Mr Oakes had recently accepted a leadership promotion to Deputy Housemaster.

Mr Oakes had repeatedly crossed professional boundaries with inappropriate comments and contact with female colleagues, which were far from well received.

In balancing these factors, the panel was satisfied that Mr Oakes 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 they behave. The findings of misconduct were 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. Mr Oakes had repeatedly failed to behave in a respectable fashion toward his female colleagues when drunk and was far from a role model in demonstrating professional behaviour.

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to

consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- the protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Oakes, which involved inappropriate comments and contact with colleagues, there was a public interest consideration in respect of the protection of members of the public (in so far as that wide definition applied to colleagues). Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Oakes were not treated with the utmost seriousness when regulating the conduct of the profession. The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Oakes was outside that which could reasonably be tolerated.

Notwithstanding 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 Oakes.

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 Oakes. 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 are relevant in this case are:

- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

The panel recognised that although this factor was present, when considered on the full-spectrum of possible sexual misconduct that appear in cases before the TRA, the sexual misconduct in this case could properly be considered as being at the lower end of seriousness.

Even though some of the behaviour found proved in this case indicated that a prohibition order might 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 evidence suggested that Mr Oakes' actions were deliberate and that he was not acting under duress. The panel took into account that Mr Oakes had no previous regulatory findings against him, that he had engaged in these proceedings and that he was still a relevantly junior member of the profession.

The panel noted that Mr Oakes' provided a number of character references which touched on his teaching abilities, albeit Mr Oakes' ability as an educator were not in question with these allegations.

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, recommending no prohibition order was a proportionate and 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 significant impact that publication of these findings would have on Mr Oakes and his future in the profession, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel was satisfied that any risk Mr Oakes presented to colleagues was not at a level which required permanent restrictive regulatory action. The panel considered that the publication of the adverse findings it 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.

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 conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Oakes 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

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to 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 Oakes, 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. I have noted that allegations mainly took place outside of the education setting and that there were no pupils in the School involved and the panel have therefore not commented on the impact on children/pupils.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "In the disciplinary hearing on 26 August 2021, the notes recorded that Mr Oakes apologised for his actions and stated that he was devastated and ashamed of his behaviour and stated that he wouldn't drink outside of his limits again."

In the statement of agreed facts Mr Oakes admitted this allegation in full. 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, "In the light of the panel's findings against Mr Oakes, which involved inappropriate comments and contact with colleagues, there was a public interest consideration in respect of the protection of members of the

public (in so far as that wide definition applied to colleagues). Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Oakes were not treated with the utmost seriousness when regulating the conduct of the profession. The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Oakes was outside that which could reasonably be tolerated.”

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 or conduct likely to 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 Oakes himself and the panel comment “The panel noted that Mr Oakes’ provided a number of character references which touched on his teaching abilities, albeit Mr Oakes’ ability as an educator were not in question with these allegations.”

A prohibition order would prevent Mr Oakes 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 findings of misconduct were 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. Mr Oakes had repeatedly failed to behave in a respectable fashion toward his female colleagues when drunk and was far from a role model in demonstrating professional behaviour.”

I have also placed considerable weight on the finding of the panel that “Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the significant impact that publication of these findings would have on Mr Oakes and his future in the profession, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel was satisfied that any risk Mr Oakes presented to colleagues was not at a level which required permanent restrictive regulatory action.”

I have considered the panel's findings that Mr Oakes had no previous regulatory findings against him, that he had engaged in these proceedings and that he was still a relevantly junior member of the profession.

I have given weight in my consideration of sanction therefore, to the contribution that Mr Oakes has and could make to the profession.

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 'SABuxcey', with a horizontal line extending from the start of the signature.

Decision maker: Sarah Buxcey

Date: 2 April 2024

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