



Teaching  
Regulation  
Agency

# **Mr Stephen Turner: Professional conduct panel outcome**

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

**June 2024**

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

<b>Teacher:</b>	Mr Stephen Turner
<b>Teacher ref number:</b>	7256023
<b>Teacher date of birth:</b>	1 August 1952
<b>TRA reference:</b>	19906
<b>Date of determination:</b>	13 June 2024
<b>Former employer:</b>	Judgemeadow Community College, Leicester

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 11 to 13 June 2024 by way of a virtual hearing, to consider the case of Mr Stephen Turner.

The panel members were Mr Ian McKim (lay panellist – in the chair), Mr Robert Dowey (teacher panellist) and Ms Amanda Godfrey (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson solicitors.

Mr Turner 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 allegations set out in the notice of proceedings dated 28 March 2024.

It was alleged that Mr Turner was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as at the Judgemeanow Community College;

1. He engaged in inappropriate behaviour and/or developed an inappropriate relationship with Pupil X around 1987 – 1992, in that he;
  - a. Touched Pupil X's thigh;
  - b. Touched Pupil X's genital area;
  - c. Allowed and/or permitted Pupil X in his vehicle;
  - d. Stated to Pupil X 'you're getting big now' or used words to that effect;
  - e. Stated to Pupil X 'you are getting hard' or used words to that effect;
  - f. Told Pupil X not to say anything in connection with the contact between him and Pupil X and/or said to Pupil X 'this is our secret' or used words to that effect;
2. His conduct as may be found proven at;
  - a. Allegation 1 was conduct of a sexual nature and/or was sexually motivated;
  - b. Allegation 1f lacked integrity and/or dishonest.

Mr Turner denied allegations 1(a), 1(b), 1(d), 1(e), 1(f), 2(a) and 2(b). Mr Turner admitted allegation 1(c) but not that he engaged in inappropriate behaviour and/or that it developed an inappropriate relationship with Pupil X.

## Preliminary applications

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

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

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]* (as considered and applied in subsequent cases, particularly *GMC v Adeogba [2016]*).

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

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

The panel noted that Mr Turner 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 Turner was unfit to attend the hearing. It also considered the effect on the witness of any delay. 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 Turner was neither present nor represented.

#### Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents provided by the teacher.

The documents were a seven page late evidence bundle, which included two emails from Mr Turner to the presenting officer in May 2024, Mr Turner's response to the allegations, information regarding his [REDACTED] and his comments relating to the police statement by Pupil X. The three documents within the evidence bundle had been provided separately to the panel prior to the hearing and the application to admit the evidence bundle.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application. The presenting officer did not object to the inclusion of these documents and had relied on these documents in her application to proceed in the absence of Mr Turner.

The panel acknowledged the reason given that the documents had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures, namely Mr Turner's [REDACTED].

The panel considered the additional documents were relevant and it was in the interest of Mr Turner to admit these documents, as they provided his responses to the allegations. Accordingly, the documents were added to the bundle.

## The panels concern around other incidents referred to in the bundle of documents

[REDACTED]

### Application for the hearing to be heard in private

The panel considered an application from Mr Turner that the hearing be heard in private - [REDACTED]

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application but suggested that the hearing could be heard part in private in the event that any reference needed to be made to Mr Turner's health.

The panel granted Mr Turner's application but only to the extent that parts of the hearing may be held in private should there be any reference needed to be made to his health. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private. The panel noted the public interest in the hearing of the allegations themselves taking place in public.

The panel considered that the areas covered in the application legitimately related to aspects of Mr Turner's private life and there was no contrary public interest in those areas being discussed in public. The remainder of the hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application in part.

## **Summary of evidence**

### **Documents**

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

- Section 1: Preliminary Documents – pages 4 to 5
- Section 2: Notice of proceedings and response – pages 7 to 22
- Section 3: Teaching Regulation Agency witness statements – pages 24 to 44
- Section 4: Teaching Regulation Agency documents – pages 46 to 72
- Section 5: Teacher documents – page 75.

In addition, the panel agreed to accept the following:

- Late evidence bundle – page 76 to 82.

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

## **Witnesses**

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

- Pupil X, former pupil

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Turner commenced employment at Judgemeanow Community College ('the School') on 1 August 1976.

On 31 August 2000, Mr Turner ceased employment at the School.

In January 2020, Pupil X contacted the police alleging that he had been sexually assaulted by Mr Turner.

On 14 September 2020, Pupil X was interviewed by the police. The police concluded the investigation on 13 December 2020, and no further action was taken against Mr Turner.

The matter was referred to the TRA on 22 March 2021.

## **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:

The panel acknowledged that there were no contemporaneous documents, or documentary evidence, as Pupil X had not disclosed these alleged incidents to anyone at the time. The panel had to determine the credibility of the evidence given by Pupil X and Mr Turner, as they were conflicting.

When determining the credibility of the evidence given the panel dealt with Mr Turner and Pupil X in turn.

### **Mr Turner**

The panel noted there were inconsistencies in Mr Turner's evidence.

In particular, the panel considered that, in his statement to the police, Mr Turner said that he had “*never driven any student into the countryside*”. However, in his written response to the allegations he stated that “*after away matches [he] usually dropped all the players off from the minibus, as near to home as was reasonably possible....[the] route home often took [them] through countryside areas*”.

The panel took into account the fact that there would likely be inconsistencies in some of the evidence given by Mr Turner as the alleged misconduct took place some time ago. Further, the panel also noted that Pupil X in his oral evidence distinguished between receiving lifts home after practice and being dropped off at the school by the minibus after away matches, and this may have accounted for this inconsistency in Mr Turner’s evidence.

The panel also considered that, in his statement to the police on 28 September 2020, Mr Turner said that he did not “*remember [Pupil X] or meeting his parents [REDACTED]*

”. However, in his written response to the allegations presented to the panel, he confirmed that he allowed Pupil X in his vehicle and that he recalls “*a few brief conversations with [Pupil X’s] parents*” and referred to the condition of [REDACTED]

. The panel found this to be a significant inconsistency, and not consistent with the fact Mr Turner stated in his written response that he lived [REDACTED] and, therefore, he may have met Pupil X’s parents [REDACTED] .

In general, the panel observed that many of Mr Turner’s responses failed to address the central allegations which were made against him and often focused on secondary issues.

### Pupil X

The panel also noted there were inconsistencies in Pupil X’s evidence.

In particular, there were inconsistencies in relation to the number of times Pupil X stated he had been in Mr Turner’s vehicle. In his statement to the police, he stated this had been “*a few times*” and then said “*probably about five, probably about six, seven times*”. In oral evidence, Pupil X was adamant that he had been in Mr Turner’s vehicle on fewer than five occasions.

The panel also noted that there were minor inconsistencies in relation to how far away his house was from the school. Pupil X explained in his written statement that the school was about [REDACTED]

from his house. In the transcript of the police interview he said it took around [REDACTED] on the bus, or [REDACTED]

on the bus. In oral evidence he explained that it was about a [REDACTED] from the school to his house.



There were also inconsistencies in when these allegations took place, in particular in which summer term. The panel noted that it would be easy for two summer terms over 30 years ago to have blended together.

The panel concluded that these inconsistencies were minor and likely due to the passage of time of around 30 years between the alleged incidents and Pupil X reporting this to the police.

The panel observed that Pupil X had been consistent in his recollection of the most important aspects of the specific incidents and in maintaining that they had happened. In particular, he was consistent about the areas of his body on which he alleged he had been touched and in the language used towards him. Pupil X's oral evidence of his recollection of these instances was consistent with what he had recalled in the police interview and in his written statement to the TRA.

In order to test Pupil X's credibility, the panel asked Pupil X to explain why these allegations had been raised now, given the historic nature of the allegations.  
[REDACTED].

Pupil X explained that he felt ashamed and embarrassed, and he had tried to compartmentalise and compress what had happened to him.

[REDACTED]

Due to the reasons set out above, the panel concluded that Pupil X was a reliable and credible witness and preferred his evidence to that of Mr Turner.

- 1. You engaged in inappropriate behaviour and/or developed an inappropriate relationship with Pupil X around 1987 – 1992, in that you;**
  - a. Touched Pupil X's thigh;**
  - b. Touched Pupil X's genital area;**

The panel considered the statement of Mr Turner dated 20 June 2022, where he stated that he did not at any time touch Pupil X's thigh or genital area.

The panel considered the oral evidence and written statement of Pupil X, who explained that Mr Turner was his economics teacher for 2 years and also his PE teacher and the [REDACTED] coach.

Pupil X explained that after the first time Mr Turner had given him a lift in his car, he would drive down the country roads and have a chat with him. He stated that Mr Turner then began putting his hand on his crotch and genital area whilst his trousers were still on. Pupil X stated that Mr Turner would rub his penis through his trousers. He stated that

Mr Turner never put his hand down his trousers, it was always over the top of his trousers.

Pupil X stated that Mr Turner would also put his hand on his thighs and talk to him at the same time, whilst slowly moving his hand closer and closer to his penis as he was talking to him. Pupil X stated that Mr Turner had tried to get him hard.

The panel considered the notes of the police interview with Pupil X, dated 14 September 2020. Pupil X stated during the interview that Mr Turner would put his hand on his thigh and move his hand towards his inner side where he started stroking his privates and touching him on his penis over his clothing.

Pupil X stated during his police interview that Mr Turner used to touch his penis all the time and that he never did anything else to him in the car.

The panel noted that Pupil X had come forward to give evidence and in his evidence, they considered that there was a genuine sense of [REDACTED] when he recalled these specific instances. Pupil X explained that these specific instances had a huge impact on him. Overall Pupil X was composed and able to articulate his answers clearly, save for when he was brought back to these instances.

The panel acknowledged that there were no contemporaneous documents, or documentary evidence, as Pupil X had not disclosed these incidents to anyone at the time. The panel had to determine the credibility of the evidence given by Pupil X and Mr Turner, as they were conflicting.

Pupil X was questioned on the specific incidents, and he was clear in his recollection that he was touched in this way. The panel explored with him whether his recollection of matters could be exaggerated or reconstructed given the passage of time between the allegations and the hearing. Pupil X stated that these specific incidents had stayed with him and had made him feel dirty and ashamed.

The panel found Pupil X to be a credible and genuine witness.

The panel observed that Pupil X had been consistent in his recollection of these specific incidents and in maintaining that they had happened. Pupil X's oral evidence of his recollection of these instances was consistent with what he had recalled in the police interview and in his written statement to the TRA.

The panel found that on the balance of probabilities it was more likely than not that Mr Turner had acted in the manner described by Pupil X.

The panel considered the conduct of Mr Turner described in allegations 1(a) and (b) amounted to inappropriate behaviour and that he had developed an inappropriate relationship with Pupil X, as this happened on more than one occasion.

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

**c. Allowed and/or permitted Pupil X in your vehicle;**

The panel considered Mr Turner's statements, where he stated that on the odd occasion, he would drive pupils home after games as they often finished late. He stated that at that time it was not considered unusual.

Mr Turner accepted that he "*would have been likely to have contact with Pupil X and the other players but very rarely on a one-to-one basis*". He further said that in respect of the allegation of allowing/permitting Pupil X in his vehicle, this "*is correct and would most probably have been in the first couple of years that I coached the team*" but that at that time (1987 – 1989) it was not considered unusual to occasionally drop pupils home after sports training or games.

The panel considered the oral evidence and written statement of Pupil X, who in his written evidence explained that one time after he had finished his [REDACTED] class when he was around [REDACTED], Mr Turner offered him a lift home. Pupil X stated that none of his other teachers had ever offered to give him a lift home, and that his parents were not aware that Mr Turner would give him a lift home.

Pupil X stated that the School was around [REDACTED] away from his house, and so he would usually get the bus or walk, although the panel noted that there were some inconsistencies in Pupil X's evidence on the distance from his house to school.

Pupil X stated that the first time Mr Turner offered him a lift, he got in the car with him and during the drive he was asking him questions about himself, and nothing happened.

Pupil X stated that after the first time Mr Turner offered him another lift and he drove down "*the country roads*" to have a chat with him; this was also consistent with his oral evidence. The panel noted that in the notes of the interview with the police, Pupil X had explained that Mr Turner had driven him to a "*layby*".

During oral evidence, Pupil X explained that Mr Turner would not need to travel far to get to a country road, but that the route Mr Turner had taken to his house was not the most direct route.

The panel considered that at the time these allegations took place, it was not generally considered inappropriate for a teacher to allow or permit a pupil into his vehicle or give them a lift home. However, it would not be appropriate for a teacher to take a pupil to a layby down a country road.

Further, as the panel found allegations 1(a) and 1(b) proved, in this context Mr Turner taking Pupil X to a layby to touch him was inappropriate behaviour. Mr Turner was found to have developed an inappropriate relationship with Pupil X.

The panel considered the conduct of Mr Turner amounted to inappropriate behaviour and developed into an inappropriate relationship with Pupil X, as this happened on more than one occasion.

The panel found allegation 1(c) proven.

**d. Stated to Pupil X ‘you’re getting big now’ or used words to that effect;**

**e. Stated to Pupil X ‘you are getting hard’ or used words to that effect;**

The panel considered the statement of Mr Turner dated 20 June 2022, where he stated that he did not make any sexual or suggestive comments to Pupil X or any other members of the cricked teams he coached.

The panel considered the oral evidence and written statement of Pupil X, who stated that when Mr Turner would put his hand on his penis whilst his trousers were still on, and that he would say to him “*you are getting hard*”.

The panel considered the notes of the police interview with Pupil X, dated 14 September 2020. Pupil X stated during the interview that Mr Turner used to touch him when giving him a lift home and said, “*you’re getting big now*”.

Pupil X stated during the interview that when Mr Turner used to touch him, he used to say things such as “*it’s getting hard*”, and he did not know what to say.

The panel found Pupil X a credible and genuine witness.

The panel found that Pupil X had been consistent on his recollection of these specific incidents and in maintaining this happened. Pupil X’s oral evidence of his recollection of these instances was consistent with what he had recalled in the police interview and in his written statement to the TRA.

The panel questioned Pupil X to ascertain whether Pupil X had been going through any hardships during this time and whether he had maybe misinterpreted what Mr Turner had said to him. However, Pupil X explained that he was very clear that Mr Turner had not been trying to support him, and that his actions were not about welfare given the nature of the touching and were driven by the physical response that happened whilst the touching took place.

There was no evidence that Pupil X had reconstructed what had happened, confused these comments with other instances, or fabricated his evidence. On the balance of probabilities, the panel found that Mr Turner was more likely than not to have used these words.

The panel considered the conduct of Mr Turner amounted to inappropriate behaviour and developed into an inappropriate relationship with Pupil X, as this happened on more than one occasion.

The panel found allegations 1(d) and 1(e) proven.

**f. Told Pupil X not to say anything in connection with the contact between you and Pupil X and/or said to Pupil X ‘this is our secret’ or used words to that effect;**

The panel considered the statements of Mr Turner where he stated that he did not tell Pupil X to keep anything a secret and would have had no reason to have done so. He refuted the suggestion that he told Pupil X to not tell anyone about his contact with him, which was dropping him off a few times after [REDACTED].

The panel considered the oral evidence and written statement of Pupil X, who stated that at the end of every car journey Mr Turner would tell him to keep what happened in the car a secret. He stated that the car journeys with Mr Turner touching him happened a few times and Mr Turner started saying to him that he should come to his house.

The panel considered the notes of the police interview with Pupil X, dated 14 September 2020. Pupil X stated during the interview that Mr Turner told him “*don’t say nothing to nobody*” and “*this is our secret*”.

In his oral evidence, Pupil X said he said nothing and got out of the car. The panel found Pupil X’s evidence on this allegation consistent throughout.

On the balance of probabilities, the panel found that it was more likely than not that Mr Turner told Pupil X that “*this is our secret*” or words to that effect during one or more of the car journeys.

The panel considered the conduct of Mr Turner amounted to inappropriate behaviour and developed into an inappropriate relationship with Pupil X, as this happened on more than one occasion.

The panel found allegation 1(f) proven.

The panel considered the conduct of Mr Turner as a whole taking into account each of the allegations found proven amounted to inappropriate behaviour and had developed into an inappropriate relationship. Although the conduct complained of appears to be a series of instances taking place in Mr Turner’s car, in the context of the relevant time, in the panel’s view, this was sufficient to create an inappropriate relationship with Pupil X and, in any event, was clearly inappropriate behaviour.

## 2. Your conduct as may be found proven at;

### a. Allegation 1 was conduct of a sexual nature and/or was sexually motivated;

The panel noted that Mr Turner denied this allegation.

The panel's attention was drawn to section 78 of the Sexual Offences Act 2003 and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020]*.

The panel considered the definition of what conduct is, or is not to be regarded as 'sexual'. The panel was referred to the case of *Sait v The General Medical Council [2018]* which referred to section 78 of the Sexual Offences Act 2003: "*penetration, touching or any other activity is sexual if a reasonable person would consider that (a) whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or (b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.*"

In referring to the Sexual Offences Act 2003, the panel was able to make a determination as to whether Mr Turner's conduct at allegation 1 was of a sexual nature. The panel considered the evidence and noted that the physical touching of intimate parts of the body and the language used by Mr Turner was inherently sexual in nature.

The panel concluded that Mr Turner's conduct at allegation 1 was conduct of a sexual nature, as the comments and physical touching by Mr Turner were by their very nature sexual.

The panel considered whether Mr Turner's conduct was sexually motivated. It noted guidance from *Basson v General Medical Council [2018]* that: "*A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship*".

The panel further noted that in *General Medical Council v Haris [2021]*, it was stated that, "*In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves. A sexual motive was plainly more likely than not; I would go so far as to say that that inference was overwhelming.*"

The panel therefore considered whether there was a plausible innocent explanation for the conduct as found proven at allegation 1. The panel found no plausible innocent explanation and found that Mr Turner appeared to be pursuing sexual gratification.

The panel concluded that on the balance of probabilities, and viewing the allegations found proved as a whole, and in the absence of a plausible innocent explanation, Mr Turner's conduct as found proven at allegation 1 was sexually motivated.

The panel found allegation 2(a) proven.

## **b. Allegation 1f lacked integrity and/or dishonest.**

The panel noted that Mr Turner denied this allegation and stated that during his career he had responsibility for a large number of students as a classroom teacher, form tutor and sports coach. He stated that he is satisfied that he carried out those roles with integrity.

The panel considered whether Mr Turner had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority [2018]*.

The panel considered that Mr Turner had failed to act within the higher standards expected of a teacher by asking Pupil X to keep his behaviour a secret or words to that effect.

The panel considered that although this case pre-dated any national guidance which stipulated the boundaries expected to apply to teachers, in the form of written standards or otherwise, it would still have been expected not to ask a pupil to keep a secret which was not in the interest of the pupil. The panel found that Mr Turner had failed to act with integrity by asking Pupil X to keep what had happened in the car a secret. The panel considered the evidence and concluded that on the balance of probabilities Mr Turner asked Pupil X to keep his behaviour a secret as he knew it was wrong and there would have been serious consequences had it been revealed.

The panel then went on to consider whether Mr Turner had acted dishonestly in relation to the proven facts of allegation 1f. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford [2017]* and *Wingate*.

The panel firstly sought to ascertain the actual state of Mr Turner's knowledge or belief as to the facts.

The panel considered that in *Wingate* the Court of Appeal held that "*Honesty is a basic moral quality which is expected of all members of society. It involves being truthful about important matters and respecting the property rights of others. Telling lies about things that matter or committing fraud or stealing are generally regarded as dishonest conduct.*"

The panel concluded that there could be no doubt that Mr Turner knew that his actions were wrong and were not in accordance with what is expected of a teacher, but the panel had no evidence that he had lied at that time or done anything which was dishonest. Therefore, the panel did not find that Mr Turner had been dishonest according to the standards of ordinary decent people.

The panel found allegation 2(b) proven on the basis that Mr Turner's actions lacked integrity.

## 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 considered that although this case pre-dated any national guidance which stipulated the boundaries expected to apply to teachers, in the form of written standards or otherwise, it would be appropriate to consider the present standards for reference and assistance in decision making. The panel was satisfied that the conduct of Mr Turner, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Turner 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.

The panel considered that under the current standards, teachers “*must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities*” and “*teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...*” The panel noted that at the time of the events giving rise to the allegations, there would appear to be no national guidance which stipulated the boundaries expected to apply to teachers, in the form of written standards or otherwise and the panel was not provided with any evidence of the School’s policies or practices. However, notwithstanding this, the panel considered that Mr Turner’s conduct would have fallen short of the standards expected at the relevant time, even if such standards were not expressed in writing and would not have been in line with the School’s ethos, policies, or practices.

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



The panel also considered whether Mr Turner'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 sexual activity and sexual communication with a child were relevant. The Advice indicates that where behaviours associated with such offences exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 2(a) and 2(b) based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations. In particular, the panel noted that in respect of allegation 1 (c), permitting Pupil X in Mr Turner's vehicle in isolation may not have amounted to unacceptable professional conduct at the time it took place; however, considered in the context that Mr Turner had taken him to a rural area and stopped in a layby and inappropriately touched Pupil X. In this context, the panel found that allegation 1(c) amounted to unacceptable professional conduct.

The panel considered whether allegations 1(a), 1(b), 1(c), 1(d), 1(e) and 1(f) took place outside the education setting. However, they found that these allegations took place within the education setting as Mr Turner had driven Pupil X home from school, after an organised and recognised activity.

Accordingly, the panel was satisfied that Mr Turner 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 panel considered the serious impact the misconduct had on Pupil X and the duty on teachers to safeguard the welfare of pupils.

The panel concluded that the findings of misconduct were extremely serious, and the conduct displayed would be likely to have a negative impact on Mr Turner's status as a teacher, potentially damaging the public perception, as it involved the touching of a pupil's genital area and thigh and was sexually motivated and conduct of a sexual nature.

Given the seriousness of the misconduct, the panel considered both whether the misconduct would have damaged the public perception of the profession at that time; and

whether, notwithstanding the passage of time since the incidents, there would be a negative impact on the public perception of the profession today. The panel found that this behaviour would damage the public perception at any time.

Further, the panel concluded that the public would still expect historic cases to be dealt with in the same manner as more recent cases.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 2(a) and 2(b) proved, the panel further found that Mr Turner'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 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 the following 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 light of the panel's findings against Mr Turner, which involved inappropriately touching Pupil X, making sexual comments towards Pupil X and telling Pupil X to keep their contact a secret, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

The panel considered whether there was a public interest consideration in retaining Mr Turner in the profession, given the fact that no doubt had been cast upon his abilities as an educator.

The panel noted that Mr Turner had questioned the relevance of a prohibition order as he is no longer teaching and had not worked with children as a teacher or in any other capacity since 2000 and he said there was no possibility that he would ever return in the future. However, the panel concluded that there was still a clear public interest consideration.

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 Turner. 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 Turner. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, 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;
- violation of the rights of pupils;
- ... a lack of integrity...;

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.

Apart from Mr Turner's statements, there was no evidence that Mr Turner demonstrated exceptionally high standards in both personal and professional conduct or had contributed significantly to the education sector, or that he was likely to in the future. The panel was provided with no character references for Mr Turner. No additional evidence was submitted to attest to Mr Turner's history or ability as a teacher.

Mr Turner had failed to provide any evidence in mitigation for his actions.

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

There was no evidence to suggest that Mr Turner was acting under extreme duress, and, in fact, the panel found Mr Turner's actions to be calculated and motivated.

The panel noted that there was a lack of evidence of insight or remorse on the part of Mr Turner, including in the written statements prepared by him. The panel concluded that, in particular, he had not shown that he understood the impact of his inappropriate contact or the impact that this had had on Pupil X. Further, he had failed to show any empathy towards Pupil X.

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 Turner 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 Turner. Mr Turner's lack of insight regarding his conduct was a factor in forming that opinion. The seriousness of the allegations and the impact the conduct had on Pupil X was also a significant factor in forming that option. 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 to recommend a review period. 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. These behaviours include serious sexual misconduct and any sexual misconduct involving a child. The panel found that Mr Turner was responsible for inappropriately touching Pupil X and making sexual comments towards Pupil X.

The panel decided that the findings indicated a situation in which a review period would not be appropriate due to the seriousness of the misconduct and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions 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 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 Mr Stephen Turner should be the subject of a prohibition order, with no provision for a review period.

The panel comments that although this case pre-dated any national guidance which stipulated the boundaries expected to apply to teachers, in the form of written standards or otherwise, it decided that it would be appropriate to consider the present standards for reference and assistance in decision making.

The panel considered that, by reference to Part 2, Mr Turner 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.

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

The findings of misconduct are particularly serious as they include a teacher acting in a sexually motivated manner towards a pupil. They also include acting in a way which lacks integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Turner, 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 comments:

“In light of the panel’s findings against Mr Turner, which involved inappropriately touching Pupil X, making sexual comments towards Pupil X and telling Pupil X to keep their contact a secret, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows

“The panel noted that there was a lack of evidence of insight or remorse on the part of Mr Turner, including in the written statements prepared by him. The panel concluded that, in particular, he had not shown that he understood the impact of his inappropriate contact or the impact that this had had on Pupil X. Further, he had failed to show any empathy towards Pupil X.”

In my judgement, the lack of insight exhibited by Mr Turner 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 records that it, “...concluded that the findings of

misconduct were extremely serious, and the conduct displayed would be likely to have a negative impact on Mr Turner's status as a teacher, potentially damaging the public perception, as it involved the touching of a pupil's genital area and thigh and was sexually motivated and conduct of a sexual nature." I am particularly mindful of the finding of sexually motivated behaviour towards a pupil in this case and the serious negative impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct 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 Turner himself. The panel notes that:

"Apart from Mr Turner's statements, there was no evidence that Mr Turner demonstrated exceptionally high standards in both personal and professional conduct or had contributed significantly to the education sector, or that he was likely to in the future. The panel was provided with no character references for Mr Turner. No additional evidence was submitted to attest to Mr Turner's history or ability as a teacher."

A prohibition order would prevent Mr Turner 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 serious nature of the misconduct found by the panel, which included sexually motivated behaviour toward a pupil. I have also placed weight on the panel's comments regarding the lack of evidence of insight or remorse on Mr Turner's part.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Turner 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 does not, in my view, satisfy the public interest requirement concerning public confidence in the profession.

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

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

In doing so, the panel has referred to the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct and any sexual misconduct involving a child. The panel found that Mr Turner was responsible for inappropriately touching Pupil X and making sexual comments towards Pupil X.

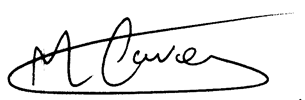
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found and the lack of evidence of either insight or remorse on Mr Turner's part.

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 Stephen Turner 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 Turner 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 Stephen Turner 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 'M. Cavey', enclosed in a thin black rectangular border.

**Decision maker: Marc Cavey**

**Date: 17 June 2024**

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