



Teaching  
Regulation  
Agency

# **Mr John Cable: 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 John Cable
<b>Teacher ref number:</b>	3975982
<b>Teacher date of birth:</b>	2 June 1947
<b>TRA reference:</b>	20679
<b>Date of determination:</b>	27 June 2024
<b>Former employer:</b>	Aspire People Ltd, Leicester

## Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 – 27 June 2024 by way of a virtual hearing, to consider the case of Mr John Cable.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Jane Brothwood (lay panellist) and Mrs Rachael Fidler (teacher panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley solicitors.

Mr Cable was present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 04 April 2024.

It was alleged that Mr John Cable was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a supply teacher at Beachamp College:

1. On or around 9 November 2021 you made inappropriate physical contact with one or more pupils whilst teaching a lesson in that you stroked their arm(s) on multiple occasions.

2. On or around 9 November 2021, you made inappropriate physical contact with Pupil C whilst teaching a lesson in that, you leant too close to the Pupil whilst talking.

3. On or around 9 November 2021, you acted inappropriately whilst teaching a lesson in that you pulled your fingers across your eyes when referring to Chinese people.

4. On or around 9 November 2021, you acted inappropriately whilst teaching a lesson in that:

a) you pointed to a Pupil of African heritage and said, “My [REDACTED] looks like her” or words to that effect; and/or

b) you said, “My [REDACTED] is black ... When the lights are turned off, you cannot see her” or words to that effect

5. Your conduct at paragraphs 2, 3 and/or 4 was inappropriate, offensive, and/or motivated by prejudice based on race.

a) You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a supply Teacher at St Paul’s Catholic School:

6. On or around 30 November 2021, you acted inappropriately towards Pupil D whilst teaching a lesson in that:

a) You made multiple remarks and questions based on his apparent racial/national identity;

b) You displayed frustration when he did not understand your Chinese

c) You displayed body language towards him which suggested he was a foreigner or did not understand.

7. Your conduct at paragraph 6 was inappropriate, offensive, and/or motivated by prejudice based on race

Mr Cable denied the allegations.

## **Preliminary applications**

### **Application to admit the hearsay evidence of Pupil A**

The panel considered the written application as provided by the TRA in respect of the admission of the hearsay evidence of Pupil A. The application was opposed by Mr Cable. The panel also received and accepted legal advice in relation to this application. The panel first determined that the evidence of Pupil A appeared directly relevant to the matters that it had to consider. It noted that Pupil A's evidence spoke directly to several of the allegations that it was due to consider. It did not consider that Pupil A's account was sole and decisive in relation to any of the allegations. Additionally, it considered the evidence of Pupil A to be supported by the accounts of other witnesses such as Pupil B who was scheduled to give live evidence. The panel noted that through their written submissions, the TRA had demonstrated that significant efforts had been made to secure the attendance of Pupil A. The panel recognised that the absence of Pupil A meant that her evidence would not be scrutinised in the same way as that of other witnesses, it therefore determined to take extra care when considering what weight to afford to it. It was also acknowledged that there was some risk of prejudice to Mr Cable emanating from the inability to cross-examine this witness, however the panel was satisfied that it could exercise its function in a professional and proper manner, having consideration for Mr Cable's position.

The panel therefore approved the application of the TRA in respect of Pupil A's evidence.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 6

Section 2: Notice of proceedings and response – pages 7 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 27

Section 4: Teaching Regulation Agency documents – pages 28 to 102

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

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2022, (the “Procedures”).

## **Witnesses**

The panel heard oral evidence from the following witnesses who were called by the TRA presenting officer:

- Pupil D
- Pupil B
- Witness A, [REDACTED]

Mr Cable also gave live evidence before the panel. He also called the following witness as a character witness:

- Individual A, [REDACTED].

## **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 Cable was employed by Aspire People Ltd as a Cover Supervisor on 11 March 2021, he first attended Beauchamp School in this capacity on 11 June 2021.

On 9 November 2021, Mr Cable attended the Beauchamp School as a Cover Supervisor and a Pupil reported that he engaged in inappropriate behaviour. The incident was subsequently referred to the LADO.

On 1 December 2021, St Paul’s Catholic School made a complaint about Mr Cable’s alleged behaviour to Aspire People Ltd, following Mr Cable working there as a Cover Supervisor on 30 November 2021.

It was confirmed that there was no role for the LADO in respect of the alleged behaviour of Mr Cable on 8 December 2021. The matter was subsequently referred to the TRA on 24 March 2022.

## Evidence

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions.

It accepted the legal advice provided.

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

- Pupil D
- Pupil B
- Witness A, [REDACTED]

The panel was also presented with the hearsay evidence of Pupil A, in addition to a mix of internal policy and investigative documentation, including the contemporaneous accounts of various Pupils.

The panel was also presented with other hearsay evidence from individuals who were involved in these events.

The panel was satisfied that the admission of such evidence did not give rise to any unfairness in the specific circumstances of this case. It was presented with the TRA's bundle, as had Mr Cable, and neither party had objected to any of the evidence presented on the grounds of inadmissibility.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

Mr Cable denied the allegations and that his actions constituted unacceptable professional conduct or conduct that may bring the profession into disrepute.

Mr Cable gave oral evidence to the panel but relied upon no written or documentary evidence.

The panel took account of all of the evidence presented regarding Mr Cable's prior career, personal and professional achievements.

Mr Cable was a person of good character. This was a factor the panel took into account when considering the allegations before it.

The panel formed its own, independent view of the allegations based on the evidence presented to it.

Whilst the panel took due note of this evidence, the panel was mindful of the need to exercise its own independent judgment and not rely wholesale upon the opinion of any person, whatever their professional credentials, who was not engaged as an independent expert with a corresponding duty to the panel.

It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

Finally, insofar as there were references, within the evidence, to other failings on the part of Mr Cable, which did not relate to the specific allegations before this panel, these were disregarded other than to the extent they were relevant contextually.

## **Findings of fact**

The findings of fact are as follows:

**It was alleged that Mr John Cable was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a supply teacher at Beachamp College:**

- 1. On or around 9 November 2021 you made inappropriate physical contact with one or more Pupils whilst teaching a lesson in that you stroked their arm(s) on multiple occasions.**

The panel considered that whilst this allegation allowed for multiple occasions and was potentially in relation to one or more Pupils, it appeared to be most closely connected to the evidence of Pupil A. The email sent by Pupil A shortly after the 9 November 2021, stated that Mr Cable had “stroked my arm multiple times on purpose”. The panel considered that this was a contemporaneous reflection of the circumstances. It accordingly felt that it could afford the account of Pupil A some weight, when considering that this account appeared directly consistent with her subsequent witness statement. The panel was careful to acknowledge that the account of Pupil A was hearsay evidence in these proceedings, and it therefore treated it in a cautious and careful manner.

The panel was particularly mindful of Pupil B’s live evidence, where he appeared to discuss the same incident as Pupil A. Through his evidence, Pupil B appeared to demonstrate that Mr Cable had moved adjacent to Pupil A within a narrow space within the classroom. It was felt that this contextualised the conduct of Mr Cable and given the movement that he physically demonstrated during his live evidence, the panel felt that it could not determine that the movement by Mr Cable could be said to be inappropriate. Additionally, it did not feel that the actions demonstrated by Pupil B could be said to amount to stroking. The panel was also cognisant of the fact that Mr Cable maintained that he could not remember this particular incident. It additionally noted that



he had spoken at length during his live evidence of working in classroom environments where he was often in close proximity to multiple Pupils. It determined that this was relevant to any consideration regarding how he may have navigated a classroom environment.

The Panel were therefore not persuaded on the balance of probabilities that the alleged conduct could be said to have taken place.

Accordingly, the panel did not find Allegation 1 proved.

**2. On or around 9 November 2021, you made inappropriate physical contact with Pupil C whilst teaching a lesson in that, you leant too close to the Pupil whilst talking.**

The panel were advised by the presenting officer, following the conclusion of the TRA's case, that it was not felt that this Allegation was substantiated by the evidence that had been put before it. It was asserted that had Mr Cable been represented, his representative may have advised him to make an application of no case to answer with respect to this particular Allegation.

The panel, having taken and accepted the relevant legal advice, exercised its inherent jurisdiction and discontinued this Allegation following the conclusion of the TRA's case.

Allegation 2 was therefore not found proved by the panel.

**3. On or around 9 November 2021, you acted inappropriately whilst teaching a lesson in that you pulled your fingers across your eyes when referring to Chinese people.**

The panel considered the evidence of Pupil B and Pupil A in relation to this incident. It felt that there was consistency in the accounts of both Pupils in relation to this alleged behaviour.

Additionally, the panel was of the view that during his live evidence, Mr Cable had suggested that he may have committed this act. Whilst he did not make an outright admission to the allegation, Mr Cable stated during his evidence "may have done something visual" to demonstrate the difference between Chinese nationality and racial identity. Whilst this may have been a contextual explanation, there was nothing to substantiate that this would be an appropriate gesture for a teacher to make.

Accordingly, the panel found Allegation 3 proved.

**4. On or around 9 November 2021, you acted inappropriately whilst teaching a lesson in that:**

**a) you pointed to a Pupil of African heritage and said, “My [REDACTED] looks like her” or words to that effect; and/or**

**b) you said, “My [REDACTED] is black ... When the lights are turned off, you cannot see her” or words to that effect**

The panel was of the view that the remarks contained within 4a) and 4b) were intrinsically linked and would be inappropriate remarks, it therefore considered them together.

The panel was aware that the written evidence of Pupil B suggested that Mr Cable had stated to a Pupil of African heritage that his [REDACTED] looked like her, and had subsequently made remarks about not being able to see her at night.

The live evidence of Pupil B was of particular note, specifically, the fact that he repeatedly asserted that Mr Cable had used the term “African American” when referring to his [REDACTED], which the panel considered to be a factual deviation from his written evidence. It was felt that this undermined Pupil B’s account in relation to this incident.

Additionally, the panel noted Pupil B’s contemporaneous note also notably made no mention with regard to Mr Cable remarking that his [REDACTED] was not visible in the dark. In fact, it appeared that there was very little by way of recollection of this remark in the aftermath of the incident as recounted by all of the witnesses. The panel was of the view that the lack of a contemporaneous account in relation to this incident undermined the plausibility to some extent.

The evidence of Mr Cable was also duly considered by the panel. Mr Cable had provided the panel with a contextual explanation of his teaching history and personal life and he was adamant that his [REDACTED] was not of “black”, of African heritage, or “African American”. The panel noted that in relation to the phrasing in Allegation 4b), Mr Cable appeared to assert that he was familiar with the phrase, however it was mindful that familiarity with the phrasing was not sufficient to persuade them of the act having taking place, particularly when having direct consideration of the burden and standard of proof.

Accordingly, the panel found that Allegation 4a) and 4b) were not proved.

**5. Your conduct at paragraphs 2, 3 and/or 4 was inappropriate, offensive, and/or motivated by prejudice based on race.**

Having considered the facts of Allegation 3 proved, the panel went on to consider this Allegation. The panel first determined that given the wording of Allegation 3, it had already established that the action belying these facts was inappropriate.

The question of offensiveness was also considered by the panel. The panel looked carefully at the fact that both Pupil A and Pupil B had reported this behaviour after the

lesson. The hearsay account of Pupil A who through her written evidence stated “I found this to be offensive”, was particularly valuable to the panel and it was afforded significant weight in relation to this. The panel considered that Pupil A’s contemporaneous record of the incident, whereby she sent an email to a member of staff, suggested that the gesture was used to “mock” Chinese people. The panel also noted that the account was corroborated by the evidence of Pupil B who had also reported it.

The panel felt that Chinese people within the context of this incident were an identifiable racial group. It also was apparent to the panel that the behaviour in question was directly referable to race. The panel was cognisant that during his live evidence, Mr Cable stated he may have performed the gesture to demonstrate to others that he was a Chinese citizen, but did not “appear Chinese”. The panel felt that there was no evidence in relation to Mr Cable that appeared to demonstrate hostility with regard to Chinese people as a racial group. However, the panel was of the view that the inherent nature of the act was discriminatory. It noted that both Pupil A and Pupil B perceived this conduct as offensive.

Whilst Mr Cable’s behaviour in relation to the gesture may have been motivated by a desire to make a point about national or racial characteristics, the panel felt that directly referring to ethnic or racial characteristics in this manner was inherently discriminatory.

The panel accordingly found Allegation 5 proved.

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a supply Teacher at St Paul’s Catholic School:**

**6. On or around 30 November 2021, you acted inappropriately towards Pupil D whilst teaching a lesson in that:**

- a) You made multiple remarks and questions based on his apparent racial/national identity;**
- b) You displayed frustration when he did not understand your Chinese**
- c) You displayed body language towards him which suggested he was a foreigner or did not understand.**

The panel felt that Pupil D was a credible and consistent witness in relation to this Allegation. It therefore gave due consideration of his appreciation of the lesson and the circumstances belying the Allegation. The panel heard that this was an English lesson and so it felt that discussions with regard to racial and national identity, were more likely than not to be inappropriate, not least due to Pupil D’s account that the remarks made by Mr Cable were “random” and not connected to the subject that was being taught.

The panel also heard directly from Pupil D that he was of [REDACTED] descent.

The discussion revolving around the racial and national identity of the Pupil was apparent through Pupil D's account that Mr Cable was asking him who the President of China was, and the location of the Bank of England. The panel found that Pupil D's account that the remarks made by Mr Cable related directly to the subject of national identity to be persuasive. Additionally, it noted the consistency between Pupil D's oral and written accounts. Mr Cable did not dismiss the plausibility that he may have made these remarks and provided an explanation that if this was done, he may have been seeking to establishing rapport with Pupil D. Mr Cable also asserted that he had not noticed Pupil D's ethnic or national origins. The Panel found Mr Cable's explanation to be implausible in relation to this, given the context of the lesson and when considered against the credibility of Pupil D.

Accordingly the panel found Allegation 6a) proved.

The panel again found Pupil D had given a consistent account through his contemporaneous evidence and witness statement in relation to Mr Cable's frustration. It also felt that Pupil D through his contemporaneous account was clear in his perception that Mr Cable had been "raging" towards him. The panel felt that this behaviour could be construed as a display of frustration. The panel was mindful that Mr Cable had come across through his live evidence as of fairly calm character. It also considered that through his live evidence, Mr Cable had claimed that he does not often get frustrated. However, given Pupil's presentation as a credible and consistent witness, it determined that the display of frustration by Mr Cable was more likely than not to have taken place.

The panel therefore found Allegation 6b) proved.

The panel was mindful to consider Mr Cable's assertion during his live evidence that he "uses a lot of gestures and signs" when teaching, when considering the issue of body language. The panel considered Pupil D to be a consistent and credible witness and felt that it could rely upon both his written and oral evidence in relation to this allegation. The panel felt that the use of body language towards Pupil D was more likely than not to be inappropriate given the broader context of the discussion that was taking place with reference to racial and national identity per Pupil D's account. Furthermore, it determined that even if the actions of Mr Cable did not suggest that Pupil D was a foreigner, the suggestion that Pupil D was being treated as if he did not understand was also factually borne out by the panel's findings in relation to Allegation 6b).

Accordingly, the panel found Allegation 6c) proved.

**7. Your conduct at paragraph 6 was inappropriate, offensive, and/or motivated by prejudice based on race**

The panel found that 6a), 6b) and 6c) proved, accordingly it was satisfied with regard to question of inappropriateness in relation to this Allegation.

The account of Pupil D made it apparent that he had found the conduct offensive, and the panel determined that the facts found proven were inherently offensive in a classroom context. Pupil D had asserted that he had felt that Mr Cable was speaking in a manner which directly targeted his racial and national identity, the panel therefore felt that this was a clear demonstration of the that there was an offensive background to these matters.

The panel found that the facts belying Allegation 6 were directly referential to race. The panel were mindful of the facts that had been found proven in relation to Allegation 6, namely that Mr Cable had made inappropriate remarks in the context of Pupil D's racial and national identity. It had also been determined that Mr Cable had displayed frustration pertaining to the use of Chinese language and had used body language towards Pupil D, suggesting that he did not understand him. The panel was of the view that the allegations as found proven were therefore indicative of a discriminatory attitude towards Pupil D's racial group. The panel was mindful that Mr Cable had maintained through his live evidence that he had lived and worked in China since 1992 and that he bore no hostility or discriminatory attitudes. However, it was satisfied that on balance of probabilities, it was more likely than not, that the facts found proved amount to a discriminatory attitude towards Pupil D.

Accordingly, Allegation 7 was found proved by the panel.

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

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

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

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

The panel also considered whether Mr Cable's conduct displayed behaviours associated with any of the offences listed on page 12 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 found that the offence of intolerance on the grounds of race was relevant.

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

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

In relation to whether Mr Cable's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 therefore found that Mr Cable's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 3, 5, 6a), 6b), 6c) and 7 proved, the panel further found that Mr Cable'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. 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 pupils and other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Cable, which involved the use of a racially motivated and inappropriate gesture, and discriminatory behaviour towards Pupils, the panel felt that all of the public interest grounds as set out above were relevant.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings pertaining to discriminatory and intolerant behaviour. The panel noted that safeguarding guidance includes the right of pupils to feel safe within the learning environment and for their wellbeing to be considered. The panel determined that this had been undermined significantly by Mr Cable's conduct.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Cable was outside that which could reasonably be tolerated; the use of a discriminatory gesture in the classroom environment is far beyond what can be deemed acceptable behaviour for a teacher.



In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Cable in the profession. The panel noted that Mr Cable had been in the teaching profession for 32 years and had likely made a significant contribution to the profession. It was mindful of what it had heard in relation to his work in other countries such as China, Thailand and Malaysia, where he taught English as a foreign language. The panel decided that since little doubt had been cast upon his abilities as an educator, there was a public interest consideration in retaining Mr Cable in the profession, given his skills and experience.

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 Cable.

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 Cable. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel considered that the following mitigating factors were present in the case:

- Mr Cable was of previous good character and appeared to have an otherwise unblemished record.



- Mr Cable had engaged with the TRA with regards to this hearing and was present throughout it.
- Mr Cable's teaching experience had not been questioned.

Weighed against this, the aggravating features in the case included:

- Mr Cable's actions were deliberate and he was not acting under duress.
- Mr Cable had shown little evidence of insight or remorse with regard to his actions.
- Mr Cable's actions amounted to a clear breach of the Teachers' Standards.

The panel heard directly from Individual A, Mr Cable's [REDACTED] who spoke of Mr Cable's 32 years of teaching experience across several countries. She asserted that he was a well-regarded figure within the classroom environment and told the panel that he received a large notebook featuring goodbye messages from Pupils and staff members, following his departure from a school in Thailand.

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 Cable 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 Cable. The lack of insight demonstrated by Mr Cable, and his assertion that he would continue teaching overseas should he be prohibited by the TRA, was a significant factor in forming that opinion. The panel also felt that this intention as expressed by Mr Cable demonstrated that there was a significant risk of repetition in relation to Mr Cable's conduct. 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 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that where a case involves certain other characteristics, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

The panel considered that one of these characteristics was present:

- intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics;

The panel considered that this was present given the findings that it had made with regard to the Mr Cable's behaviour amounting to discriminatory and racially motivated behaviour. The panel considered that the intolerance on grounds of race that it had found that Mr Cable had demonstrated, was relevant to its consideration here.

The Panel felt that there was little by way of insight demonstrated by Mr Cable. It noted that when making his submissions regarding mitigation and sanction, he focused primarily on the impact the allegations had upon him. It was acknowledged that Mr Cable was entitled to dispute the allegations, but it was concerned that he stated that regardless of the outcome, he would seek to continue teaching outside of the UK. Mr Cable did not appear to have particularly reflected upon the concerns raised by the Pupils in this case, nor had he shown any effort towards remediation. It noted that it did not construe Mr Cable to have a "deep-seated attitude" as mentioned within the Advice, but rather a lack of introspection in relation to his behaviour.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

The panel recommends 2 years as the appropriate 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring

the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr John Cable should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Cable is in breach of the following standards:

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

The panel was satisfied that the conduct of Mr Cable involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mr Cable 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 Cable, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings pertaining to discriminatory and intolerant behaviour. The panel noted that safeguarding guidance includes the right of pupils to feel safe within the learning environment and for their wellbeing to be considered. The panel determined that this had been undermined significantly by Mr Cable's conduct." 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, "Mr Cable had shown little evidence of insight or remorse with regard to his actions." In my judgement, the lack of insight and 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cable were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of discriminatory and racially motivated behaviour in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct 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 Cable himself and the panel comment "the panel went on to consider whether there was a public interest in retaining Mr Cable in the profession. The panel noted that Mr Cable had been in the teaching profession for 32 years and had likely made a significant contribution to the profession. It was mindful of what it had heard in relation to his work in other countries such as China, Thailand and Malaysia, where he taught English as a foreign language. The panel decided that since little doubt had been cast upon his abilities as an educator,

there was a public interest consideration in retaining Mr Cable in the profession, given his skills and experience.”

A prohibition order would prevent Mr Cable from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “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 Cable. The lack of insight demonstrated by Mr Cable, and his assertion that he would continue teaching overseas should he be prohibited by the TRA, was a significant factor in forming that opinion. The panel also felt that this intention as expressed by Mr Cable demonstrated that there was a significant risk of repetition in relation to Mr Cable’s conduct. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.”

I have also placed considerable weight on the finding “The Panel felt that there was little by way of insight demonstrated by Mr Cable. It noted that when making his submissions regarding mitigation and sanction, he focused primarily on the impact the allegations had upon him. It was acknowledged that Mr Cable was entitled to dispute the allegations, but it was concerned that he stated that regardless of the outcome, he would seek to continue teaching outside of the UK. Mr Cable did not appear to have particularly reflected upon the concerns raised by the Pupils in this case, nor had he shown any effort towards remediation. It noted that it did not construe Mr Cable to have a “deep-seated attitude” as mentioned within the Advice, but rather a lack of introspection in relation to his behaviour.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cable 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 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 a 2 year review period.

I have considered the panel’s comments “The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it

would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.”

I agree with the panel and have decided that a 2 year review period is appropriate in this case and is in the public interest.

**This means that Mr John Cable is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** He may apply for the prohibition order to be set aside, but not until 4 July 2026, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Cable remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr John Cable has a right of appeal to 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 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 2 July 2024**

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