



Teaching  
Regulation  
Agency

# **Mr Luke Roberts: Professional conduct panel outcome**

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

**August 2024**

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

<b>Teacher:</b>	Mr Luke David Roberts
<b>Teacher ref number:</b>	3670395
<b>Teacher date of birth:</b>	7 November 1979
<b>TRA reference:</b>	18963
<b>Date of determination:</b>	2 August 2024
<b>Former employer:</b>	International School of Creative Arts, Wexham

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 2 August 2024 by way of a virtual hearing, to consider the case of Mr Luke Roberts.

The panel members were Mrs Dawn Hawkins (teacher panellist – in the chair), Mr Peter Whitelock (lay panellist) and Dr Louise Wallace (lay panellist).

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

The presenting officer for the TRA was Ms Natalia Constantine instructed by Kingsley Napley LLP.

Mr Roberts was not 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 8 May 2024 and as amended at this hearing.

It was alleged that Mr Roberts was convicted of a relevant conviction, in that:

- 1) He was convicted at Wycombe Magistrates' Court on 13 August 2021 for two offences of engaging in sexual activity with a female aged 13-17, between 11 September 2018 to 9 December 2019, whilst in a position of trust, contrary to section 16 of the Sexual Offences Act 2003.

## Preliminary applications

### Application to proceed in the absence of Mr Roberts

The panel considered an application from the presenting officer to proceed in the absence of Mr Roberts.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 ("the Procedures") and that the requirements for service had been satisfied.

The panel took into account that in email correspondence with the TRA, Mr Roberts stated (on 14 November 2023): "...I have no intention of taking part in your hearing."

Accordingly, the panel was satisfied that Mr Roberts was, at the very least, aware of these proceedings and this hearing in general terms.

The panel went on to consider whether to proceed in Mr Roberts' absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Roberts is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Mr Roberts for the following reasons:

- Mr Roberts had not sought an adjournment and there was no suggestion before the panel which indicated that Mr Roberts was unable to attend the hearing.
- The panel was satisfied that absence was voluntary and he had waived his right to attend in his express communication that he would not be attending the hearing.
- Given Mr Roberts' limited engagement, there was no indication that he might attend at a future date, such that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time.
- There is a burden on all professionals who are subject to a regulatory regime to engage with their regulator.

Having decided that it is appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mr Roberts was neither present nor represented.

## **Amending the allegation**

The allegation had been drafted in the following form in the Notice of Hearing:

*“You have been found guilty and convicted of a relevant offence (and sentenced on 4 March 2022 at Aylesbury Crown Court) for:*

- 1) *Two counts of Sexual Activity with female 13-17, offender does not believe victim is over 18. Abuse position of trust on 11/09/18 to 09/12/19 Sexual Offences Act 2003 s.16(1)(e)(i).”*

With advice from the Legal Adviser, the panel has some concern regarding this drafting. In particular:

- The panel considered the drafting was technically defective in so far that the numbered allegation contained no provable fact. It simply set out a series of words relating to an offence. Therefore on the current drafting, the allegation was likely to fail. The fact the TRA sought to prove was that Mr Roberts was convicted of such offences. This was incorrectly set out in the preamble/statutory ground element of the allegation.
- The numbered allegation contained a series of words that made little sense in terms of a general narrative of the specified offences committed. It was apparent to the panel that the drafting of this part had been copied and pasted from the

wording of the Police National Computer disclosure print out. This is a technical document from the Criminal Justice System which does not express the wording of a criminal offence in a fashion which is particularly understandable to the public at large. The panel took into account the TRA's role in declaring the expected standards to members of the profession and the wider public. The panel considered the current drafting of the numbered allegation did little to support that function.

- The drafting '*You have been found guilty*' could give rise to an incorrect implication that Mr Roberts had been convicted after trial. It was clear from the evidence in the bundle that Mr Roberts had in fact pleaded guilty at the first opportunity in the criminal courts.

As a result of these factors, the panel considered that it was in the interests of justice to amend the allegation to address these issues. The panel sought representations from the presenting officer on the proposed amendments it intended to make. The presenting officer did not oppose such amendments. The panel was mindful that Mr Roberts was not present. However, the panel was satisfied that the amendments made no material changes to the case he was facing and accordingly considered no unfairness would arise to Mr Roberts in amending the allegation in the circumstances where he had voluntarily absented himself from the proceedings.

The panel amending the allegations to the following wording:

*"You have been convicted of a relevant conviction, in that:*

- 1) *You were convicted at Wycombe Magistrates' Court on 13 August 2021 for two offences of engaging in sexual activity with a female aged 13-17, between 11 September 2018 to 9 December 2019, whilst in a position of trust, contrary to section 16 of the Sexual Offences Act 2003."*

## Summary of evidence

### Documents

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

Section 1: Chronology and anonymised pupil list – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 12

Section 3: Teaching Regulation Agency documents – pages 13 to 39

Also before the panel were a 45 page and 11 page 'proceeding in absence' bundles.

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018, owing to the fact that the TRA's referral was made prior to the imposition of the 2020 version.

## Witnesses

Neither party called any witnesses to give oral evidence at this hearing.

## Decision and reasons

The panel announced its decision and reasons as follows:

Mr Roberts was employed by the International School of Creative Arts ("the School") from 1 November 2017, initially as a Boarding Supervisor and later also as a Graphic Design Tutor.

The School was an independent boarding school providing education to A-Level pupils between the ages of 16 and 20 years old.

On 10 December 2019, the TRA received a referral from Thames Valley Police. It set out that Mr Roberts was arrested that day on suspicion of engaging in sexual activity with a [REDACTED]. It further set out that Mr Roberts had been conditionally bailed not to attend the School unless directed to by the police and the School's [REDACTED] for the purpose of disciplinary proceedings.

Following the police's investigation, criminal proceedings were initiated against Mr Roberts.

## Findings of fact

The findings of fact are as follows:

- 1) You were convicted at Wycombe Magistrates' Court on 13 August 2021 for two offences of engaging in sexual activity with a female aged 13-17, between 11 September 2018 to 9 December 2019, whilst in a position of trust, contrary to section 16 of the Sexual Offences Act 2003.**

Before the panel was a copy of the certificate of conviction from Aylesbury Crown Court, which set out that Mr Roberts was convicted of two offences of sexual activity with a girl aged 13 to 17, whilst in a position of trust on 13 August 2021 at Wycombe Magistrates' Court.

The certificate also set out that Mr Roberts was sentenced to a total of a 10-month immediate prison sentenced on 4 March 2022 at Aylesbury Crown Court. As a result of

the sentence, Mr Roberts was subject to the notification requirements under the Sexual Offences Act 2003 (commonly known as the sex offenders register) for a period of 10 years.

The certificate bore a signature of an Officer of the Court and was dated 9 May 2023.

Also before the panel was a transcript of the sentencing hearing. The transcripts sets out the following facts, which will help inform the panel of the factual circumstances behind the conviction.

The transcript set out that after rumours had been circulating around the School of an inappropriate relationship between Mr Roberts and [REDACTED], the police were called to investigate. As a result of searches of Mr Roberts electronic devices, two videos were found which showed Mr Roberts engaging in sexual activity, including full sexual intercourse, with one of the [REDACTED]. The [REDACTED] at the time. The transcript also noted that Mr Roberts had pleaded guilty at the first opportunity.

The panel took into account the advice relating to certificates of convictions amounting to conclusive proof of the fact of the conviction and the necessary facts implied by the conviction.

There was nothing before the panel to suggest that general position should be dis-applied in these circumstances and therefore the panel found this allegation proved.

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

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

The panel was satisfied that the conduct of Mr Roberts, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Roberts 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 noted that the individual's actions were relevant to teaching, working with children and working in an education setting as the facts behind the conviction directly



related to his actions as a teacher engaging in an inappropriate sexual relationship with [REDACTED] in his care.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils bearing in mind his actions which included abusing his position of trust over pupils for his own sexual gratification.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Roberts' behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Roberts' behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

This was a case concerning behaviours associated with offences involving:

- sexual activity with a child; and
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;

The Advice states these behaviours associated with these offences are likely to be considered a relevant offence.

Taking these factors into account, the panel was satisfied that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Roberts' ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Accordingly, the panel found this conviction amount to a relevant conviction.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

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

- the safeguarding and wellbeing of pupils
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with [REDACTED]. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Roberts 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 Roberts was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Roberts.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an 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, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;
- 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);

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.

There was no evidence that Mr Roberts' actions were not deliberate or that he was acting under duress. As Mr Robert's had not engaged in this hearing, there was no other evidence regarding mitigating factors around the factual circumstances of the allegation or any evidence regarding any positive contribution he had made to the education sector. The panel noted that [REDACTED] could not identify any strong personal mitigation in the evidence before her when sentencing Mr Roberts.

Additionally, there was no evidence before the panel which would assist it in measuring any steps or strategies Mr Roberts might employ to ensure that such conduct would not be repeated in the future.

The panel noted that Mr Roberts pleaded guilty at the first opportunity. The panel noted that Mr Roberts' [REDACTED] at the sentencing hearing submitted that Mr Roberts was extremely remorseful.

Furthermore, the panel also noted that the TRA did not present any evidence of previous misconduct findings against Mr Roberts.

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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Roberts. The ongoing risk to pupils and the harm that would be caused to the public confidence in the profession should restrictive regulatory action not be taken, were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states

that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents;

The panel saw no reason to depart from the Advice in these circumstances. The panel therefore decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without a provision for a review period.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Roberts 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

The panel was satisfied that the conduct of Mr Roberts 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 Roberts fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a conviction for engaging in sexual activity with a female aged 13-17 whilst in a position of trust. The conviction resulted in a 10-month prison sentence.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Roberts, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that "that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils bearing in mind [Mr Robert's] actions which included abusing his position of trust over pupils for his own sexual gratification." 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 remorse, which the panel has set out as follows: "The panel noted that Mr Roberts pleaded guilty at the first opportunity. The panel noted that Mr Roberts' [REDACTED] at the sentencing hearing submitted that Mr Roberts was extremely remorseful."

The panel has not commented on Mr Roberts' level of insight but has commented that "there was no evidence before the panel which would assist it in measuring any steps or strategies Mr Roberts might employ to ensure that such conduct would not be repeated in the future." In my judgement, the lack of evidence of insight 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 has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Roberts were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of sexual activity with a child 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 a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Roberts himself. The panel had no evidence that Mr Roberts had made any positive contribution to the education sector.

A prohibition order would prevent Mr Roberts 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 ongoing risk to pupils and the harm that would be caused to public confidence in the profession if a prohibition were not imposed.

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

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

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

The panel has commented that it saw no reason to depart from the Advice that the public interest will have greater relevance and weigh in favour of not offering a review period where cases include serious sexual misconduct, any sexual misconduct involving a child, and any activity involving making any indecent photograph or image of a child.


I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate 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 serious nature of the offences of which Mr Roberts was convicted, the lack of evidence of insight, and the risk of repetition.

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 Luke Roberts 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 Roberts 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 Luke Roberts 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 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 5 August 2024**

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