



Teaching
Regulation
Agency

Mr Christopher Suter: 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

Teacher:	Mr Christopher Suter
Teacher date of birth:	15 January 1966
TRA reference:	19894
Date of determination:	21 August 2024
Former employer:	Valley Comprehensive School, Worksop

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 19-21 August 2024 by way of a virtual hearing, to consider the case of Mr Suter.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Rachel Curry (lay panellist) and Ms Shelley Barlow-Ward (teacher panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson solicitors.

Mr Suter 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 hearing dated 24 May 2024.

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

1. He engaged in and/or developed an inappropriate relationship with Pupil A, whilst she was a pupil at the School and/or after she had left, including on one or more occasions:
 - a. Giving Pupil A his personal email address and/or telephone number
 - b. Instructing Pupil A to erase his email address
 - c. Giving Pupil A one or more gifts including CDs and/or DVDs and/or books
 - d. Touching and/or stroking Pupil A's hands
 - e. Writing and/or sending messages to Pupil A in code including during lessons
 - f. Asking Pupil A to take her bra off
 - g. Saying to Pupil A 'it's not as if I'm going to lay you out on the table and screw you' or words to that effect
 - h. Engaging in inappropriate email correspondence with Pupil A, including by emailing:
 - i. On or around 23 November 2004 'I'd like to look into those eyes again and talk to you more'
 - ii. On or around 25 November 2004, 'I'm not sure how you feel about having someone like you as I do...I am going to London this weekend, but I will be thinking of you to [sic]'
 - iii. On or around 29 November 2004, 'I thought about you a great deal this weekend and can't wait to talk to you.'
 - iv. On or around 30 November 2004, 'It might be a good idea to delete this in case MI5 are looking on in!!!'
 - v. On or around 30 November 2004, 'you make a stand against your over strict domineering parents. You tell them that you are now a grown woman with her own desires'...'You have had an active sex life since the age of 14...';

- vi. On or around 2 December 2004, 'it's so frustrating seeing you but being unable to sit and talk. I could do like before but I don't want to do it in school where as I've explained I feel I'm being watched!';
 - vii. On or around 2 December 2004, 'You are much older than your earth age would suggest, something that I like and that has given me the confidence to build this friendship.'
- i. Seeking to meet Pupil A outside school
 - j. Meeting Pupil A and/or going on trips with Pupil A outside school.
 - k. Kissing Pupil A on one or more occasions.
 - l. Engaging in sexual contact with Pupil A on one or more occasions
 - m. Engaging in sexual intercourse with Pupil A on one or more occasions.
2. His conduct as may be found proven at Allegation 1 above was conduct of a sexual nature and/or was sexually motivated.
 3. In or around 2010, he asked Pupil A would she sign a document stating that the relationship between him and her did not happen and/or words to that effect.
 4. His conduct as may be found proven at 1(b) and/or 1(h) (iv) and/or allegation 3 above lacked integrity and/or was dishonest.
 5. He was in possession of one or more illegal images, including one or more indecent images of a child.
 6. His conduct as may be found proven at allegation 5 above is demonstrative of sexual interest of children.

Mr Suter has not formally responded to the allegations in the Notice.

Preliminary applications

Application to proceed in absence

The panel considered an application from the TRA to proceed in the absence of Mr Suter. The panel heard and accepted the legal advice and took account of the various factors relied to it, as derived from the guidance 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 provided with evidence that the notice of hearing has been sent to Mr Suter on 24 May 2024, which was over ten weeks before the first day of the hearing in accordance with paragraph 5.23 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (“the Procedures”).

Mr Suter has not formally responded to the notice of hearing in this case. However, he has previously engaged, albeit sporadically throughout the case. The panel has been provided with Mr Suter’s written responses to the allegations that were sent to the TRA in 2021 and 2022. The panel was satisfied that Mr Suter had received the hearing bundle on or around 17 June 2024.

Accordingly, the panel was satisfied that Mr Suter 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 Suter’s absence, or to adjourn. 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 Suter 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 determined that it should proceed in the absence of Mr Suter, for the following reasons:

- Mr Suter had not sought an adjournment.
- The panel had not been provided with any medical evidence which indicated that Mr Suter was unfit to attend the hearing due to ill-health.
- The panel was satisfied that Mr Suter’s absence was voluntary and he had waived his right to attend.
- There was no indication that Mr Suter might attend at a future date and an adjournment would be unlikely to result in his attendance at a later date.
- The panel was conscious that witnesses had made arrangements and were ready to attend the hearing to provide their oral evidence.
- There is a strong public interest in hearings taking place within a reasonable timeframe.

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 Suter is neither present nor represented.

Application to admit hearsay evidence

The panel considered an application from the TRA to admit Parent A's evidence as hearsay evidence. On behalf of the TRA, it was submitted, in summary, that:

- Parent A's evidence is relevant to the case;
- Mr Suter has been provided with the statement of Parent A and has not disputed its inclusion in the hearing bundle;
- There is no reason put forward as to the fabrication of evidence by Parent A;
- Parent A's evidence is not the sole or decisive evidence;
- The TRA was advised that because Parent A resides in Poland, they would need permission from Poland, via the Ministry of Justice, for Parent A to give evidence in this case. The letter requesting permission would need to be translated into Polish and the process could take between 2-6 months;
- The TRA submit that it would be disproportionate to continue to seek oral evidence from Parent A.

The panel carefully considered the written and oral submissions made on behalf of the TRA. It accepted the legal advice provided.

The panel accepted that the evidence of Parent A was relevant, and therefore focused on the issue of fairness. The panel noted that:

- There was a good reason for the absence of Parent A, and the TRA had taken reasonable steps to try to secure the attendance of the witness;
- Parent A's evidence was not the sole and decisive evidence in this case;
- Mr Suter has not challenged the inclusion of Parent A's evidence in the hearing bundle.

Having considered all of the available evidence and information available, the panel considered that it would be fair to admit Parent A's evidence as hearsay evidence.

There is a public interest in serious allegations being properly considered and any unfairness to Mr Suter could be mitigated in this case. On balance, the panel did not consider that Mr Suter would be unfairly prejudiced. The panel noted that it will be in a position to assess the reliability of this hearsay evidence and how much weight to place upon it during the proceedings.

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 8 to 10

Section 2: Notice of hearing and response – pages 12 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 276

Section 4: Teaching Regulation Agency documents – pages 279 to 416

Section 5: Teacher documents – pages 418 to 500

The panel was also provided with two other bundles relating to the preliminary applications, these were:

- Proceed in absence bundle (10 pages)
- Application for hearsay bundle (15 pages)

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 Procedures.

Witnesses

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

- Pupil A ([REDACTED])
- Witness B ([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 Suter had been employed as a history teacher at Valley Comprehensive School (“the School”) from September 1992 to 2010.

It is alleged that Mr Suter engaged in an inappropriate relationship with Pupil A. It is alleged that this relationship began in or around 2004, when Pupil A was [REDACTED].

At this time, Mr Suter was aged around 38. The relationship continued throughout Pupil A's time at the School's sixth form and into her early adult life.

Pupil A reported the relationship to the police in 2018.

As part of the police investigation, a number of illegal images were identified on a laptop taken from Mr Suter's home address. The police investigation did not result in any charges brought against Mr Suter.

On 15 March 2021, the TRA received a referral from Nottinghamshire County Council.

Findings of fact

The findings of fact are as follows:

The panel heard oral evidence from Pupil A. The panel also had Pupil A's witness statement and a number of exhibits. The panel found Pupil A's evidence to be consistent with the other information in the bundle and for that reason found her evidence to be credible and the panel determined that it was able to rely upon it.

Pupil A attended the School from [REDACTED], completing both her GCSE and A-Level's at the School. Mr Suter first taught Pupil A in [REDACTED]. Pupil A alleges that a relationship with Mr Suter developed from 2004 and continued until around 2009.

The panel noted that a significant amount of time had passed since the events surrounding the allegations and acknowledged that memories can fade over time. However, the panel considered that Pupil A had been largely consistent in the various accounts that she had provided since she first reported the relationship to the police in 2018.

Pupil A was asked why she had not reported the concerns at the time. [REDACTED]. However, [REDACTED] in 2018, Pupil A stated that she decided to go straight to the police station and tell them what had happened.

On the other hand, the panel did not have the benefit of hearing directly from Mr Suter, as he had chosen not to attend the hearing. The panel had been provided with some written accounts provided by Mr Suter. The panel noted that this was hearsay evidence, and that it had not been able to test the account provided by Mr Suter.

The panel noted that Mr Suter appeared to accept that there had been a relationship between him and Pupil A, but he says that this took place after Pupil A had left the School, and only lasted around 18 months. Mr Suter claimed that he only communicated with Pupil A when she was a pupil at the School to assist her with school work and that her parents knew about it. However, the panel had difficulty accepting this account of how the relationship between Mr Suter and Pupil A developed. The panel considered that

there were significant gaps in Mr Suter's account, including how their relationship started. Mr Suter had provided evidence to demonstrate that he had been in different locations when Pupil A had alleged she had seen him. However, the panel found this information difficult to follow and concluded that the dates did not appear to correspond to those provided by Pupil A.

For the reasons set out above, the panel considered that Pupil A was a reliable and credible witness and preferred her oral and written evidence over the written accounts that had been provided by Mr Suter.

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

1. You engaged in and/or developed an inappropriate relationship with Pupil A, whilst she was a pupil at the School and/or after she had left, including by on one or more occasions:

a. Giving Pupil A your personal email address and/or telephone number

The panel considered the evidence of Pupil A. She told the panel that in November 2005, Mr Suter had given his email address to her, and told her to write it down in her planner.

The panel has been provided with copies of several emails from Mr Suter's personal email address to Pupil A and infers from that documentary evidence that Mr Suter had provided Pupil A with his personal email address.

Pupil A also told the panel that Mr Suter had written his mobile number down in code and handed this to her. The panel was provided with a note, which Pupil A confirmed was the note Mr Suter had given to her. When asked about this in oral evidence, Pupil A stated that she thought it was obvious that this was Mr Suter's mobile number once she had worked out what the numbers were.

The panel noted that in his written response, provided in May 2021, Mr Suter had confirmed that he exchanged email correspondence with Pupil A. However, Mr Suter's position was that this was conducted in a professional manner with the permission of Pupil A's mother. The panel did not accept this explanation. The panel has been provided with copies of the emails from November 2004, which did not include any content related to the School or school work.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had provided both his personal email address and his telephone number to Pupil A.

The panel found allegation 1.a proven.

b. Instructing Pupil A to erase your email address

Pupil A told the panel that after Mr Suter had provided his email address, he had told her to rub it out. In her oral evidence, Pupil A clarified that Mr Suter told her to write the email in pencil and then rub it out later on.

Mr Suter makes no mention of this in his written response. The panel relied on Pupil A's evidence which it found to be credible.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had instructed Pupil A to erase his email address.

The panel found allegation 1.b proven.

c. Giving Pupil A one or more gifts including CDs and/or DVDs and/or books

The panel considered the evidence of Pupil A. She stated that she received various gifts from Mr Suter. These included CDs, books and DVDs. Pupil A stated that she started receiving gifts from Mr Suter when she was in school. The panel was provided with copies of some of the gifts that Pupil A stated she received from Mr Suter. For example, Pupil A provided a photo of the book 'Girl with a Pearl earring', which Mr Suter inscribed with a message and gave to her at Christmas in 2005.

In his written response, Mr Suter admits buying Pupil A an "expensive Andy Goldsworthy Passage book" and loaning her books from October 2018. The panel preferred Pupil A's evidence that the gifting started whilst she was still at school.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had given Pupil A one or more gifts.

The panel found allegation 1.c proven.

d. Touching and/or stroking Pupil A's hands

The panel considered Pupil A's evidence. She stated that she would spend time in Mr Suter's classroom in the School, attending 2-3 times a week at lunchtime. Pupil A recalled an occasion where they were sat on either side of a table and Mr Suter asked her to put her hand out. Pupil A stated that Mr Suter stroked her hand and said "it's not as if I'm going to lay you out on the table and screw you". Pupil A stated that it was on this occasion that she realised it was "serious". In her oral evidence, Pupil A stated that this was the first time that it became clear to her that Mr Suter might want a physical relationship with her.

The panel could not see that Mr Suter had responded to this allegation. Therefore, the panel relied on Pupil A's evidence which it found reliable.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had touched or stroked Pupil A's hands.

The panel found allegation 1.d proven.

e. Writing and/or sending messages to Pupil A in code including during lessons

In her written statement, Pupil A stated that one lunchtime Mr Suter gave her a quiz. This was an alphabet code that no-one else knew. Following this, Mr Suter would write letters on the white board. Pupil A said that no-one else knew the code and that Mr Suter would write messages in code, such as "Miss you" or "I want you".

The panel was also provided with documentary evidence of Mr Suter writing to Pupil A in code.

The panel could not see that Mr Suter had responded to this allegation. Therefore, the panel relied on Pupil A's evidence which it found reliable.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had sent Pupil A messages in code, including during lessons.

The panel found allegation 1.e proven.

f. Asking Pupil A to take her bra off

In her written statement, Pupil A stated that one lunchtime, Mr Suter asked Pupil A to take her bra off. Pupil A stated that her last lesson that day was RE and she went to the toilet after class and took her bra off and then made her way to Mr Suter's classroom. However, one of her friends was waiting for her, so she did not end up going to see Mr Suter. In her oral evidence, Pupil A stated that this happened when she was [REDACTED].

The panel could not see that Mr Suter had responded to this allegation. Therefore, the panel relied on Pupil A's evidence which it found reliable.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter asked Pupil A to take off her bra.

The panel found allegation 1.f proven.

g. Saying to Pupil A 'it's not as if I'm going to lay you out on the table and screw you' or words to that effect

The panel considered that this allegation is linked to 1.d above. In her evidence, Pupil A stated that during an occasion whilst she was in Mr Suter's classroom, he stroked her

hand and made the comment “it’s not as if I’m going to lay you out on the table and screw you”.

The panel could not see that Mr Suter had responded to this allegation. Therefore, the panel relied on Pupil A’s evidence which it found reliable.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had said these words, or similar, to Pupil A.

The panel found allegation 1.g proven.

h. Engaging in inappropriate email correspondence with Pupil A, including by emailing:

- i. On or around 23 November 2004, ‘I’d like to look into those eyes again and talk to you more’**
- ii. On or around 25 November 2004, ‘I’m not sure how you feel about having someone like you as I do...I am going to London this weekend but I will be thinking of you to [sic]’**
- iii. On or around 29 November 2004, ‘I thought about you a great deal this weekend and can’t wait to talk to you.’**
- iv. On or around 30 November 2004, ‘it might be a good idea to delete this in case MI5 are looking on in!!!’**
- v. On or around 30 November 2004, ‘you make a stand against your over strict domineering parents. You tell them that you are now a grown woman with her own desires’...’You have had an active sex life since the age of 14...’;**
- vi. On or around 2 December 2004, ‘it’s so frustrating seeing you but being unable to sit and talk. I could do like before but I don’t want to do it in school where as I’ve explained I feel I’m being watched!’;**
- vii. On or around 2 December 2004, ‘You are much older than your earth age would suggest, something that I like and that has given me the confidence to build this friendship.’**

The panel was provided with copies of the emails that Mr Suter sent to Pupil A on each of these dates and saw evidence that the comments alleged were included in those emails. The panel considered that a teacher should not be corresponding with a pupil using their personal email address and should not be corresponding in any event in the terms of the emails from Mr Suter that were before the panel.

The panel was satisfied that the email correspondence with Pupil A was inappropriate.

The panel found allegation 1.h proven in its entirety.

i. Seeking to meet Pupil A outside school

In her evidence, Pupil A stated that Mr Suter asked her to meet up outside of the School. The panel was provided with copies of various emails, and notes one particular email where Mr Suter set out a list of options for meeting Pupil A. This email was dated 30 November 2004, shortly after he had provided his email address to Pupil A.

In his written response, Mr Suter stated that he did not meet Pupil A on any occasion until she left school. The panel preferred Pupil A's evidence.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had sought to meet Pupil A outside of school.

The panel found allegation 1.i proven.

j. Meeting Pupil A and/or going on trips with Pupil A outside school.

The panel considered that this allegation was linked to allegation 1.i above.

Pupil A provided several examples of how she met with Mr Suter outside of school. She stated that this first took place before [REDACTED]. Pupil A stated that she met Mr Suter in a car park at [REDACTED], and this is when they first kissed. Pupil A stated that she had been in [REDACTED] with a friend, who she left to see Mr Suter. The panel was provided with a copy of Pupil A's leavers book, within which Pupil A's friend wrote a comment about being left at [REDACTED].

Pupil A also told the panel about other occasions where she met Mr Suter, whilst still a pupil at the School. She told the panel about going to [REDACTED] with Mr Suter, shortly after [REDACTED].

In his written response, Mr Suter stated that he did not meet Pupil A on any occasion until she left school. The panel preferred Pupil A's evidence.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had met Pupil A outside of school.

The panel found allegation 1.j proven.

k. Kissing Pupil A on one or more occasions.

Pupil A told the panel that she and Mr Suter first kissed during the incident where she met him [REDACTED]. Pupil A also stated that sexual touching took place on other occasions. Pupil A told the panel that she believed she was in a relationship with Mr

Suter. The panel inferred from this that Pupil A and Mr Suter would have kissed on one or more occasions.

Mr Suter does not specifically address this allegation, but he denied that there was any physical contact with Pupil A before she had left school. The panel preferred Pupil A's evidence.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had kissed Pupil A on one or more occasions.

The panel found allegation 1.k proven.

I. Engaging in sexual contact with Pupil A on one or more occasions

The panel considered Pupil A's evidence. Pupil A had told the panel how the physical side of the relationship developed, with their first kiss in May 2005 and then sexual touching in June 2005. Pupil A explained that there had been several occasions where sexual contact took place and that this continued for a number of years.

Mr Suter denied that there was any sexual contact with Pupil A before she had left school.

The panel preferred Pupil A's evidence that she did have sexual contact with Mr Suter from May 2005 onwards.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had engaged in sexual contact with Pupil A on one or more occasions.

The panel found allegation 1.l proven.

m. Engaging in sexual intercourse with Pupil A on one or more occasions.

The panel took account of Pupil A's evidence and found that there had been sexual intercourse between Mr Suter and Pupil A, after Pupil A had left school. The panel was provided with a copy of Pupil A's diary from 2007, in which she had made a record of when she had sex with Mr Suter.

The panel noted that Mr Suter acknowledged that there had been a relationship after Pupil A left school, although he does not say that they had sex. The panel preferred Pupil A's evidence that they did.

The panel found that on the balance of probabilities, it was more likely than not that Mr Suter had engaged in sexual intercourse with Pupil A on one or more occasion.

The panel found allegation 1.m proven.

Having found each of the sub-particulars proved, the panel went on to consider whether they showed that Mr Suter engaged in and/or developed an inappropriate relationship with Pupil A whilst she was a pupil at the School and/or after she had left.

The panel concluded that Mr Suter had pursued a course of conduct that was wholly inappropriate and that in doing so he had engaged in an inappropriate relationship with Pupil A, both whilst she was a pupil at the School, and subsequently.

Therefore, allegation 1 is proved in its entirety.

2. Your conduct as may be found proven at Allegation 1 above was conduct of a sexual nature and/or was sexually motivated.

The panel first considered the definition of sexual, taken from Section 78 of the Sexual Offences Act 2003 which states:

"... 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."

The panel considered that whilst not each and every proven conduct at particular 1 was sexual in nature, Mr Suter's conduct set out at allegation 1 was done to develop a sexual relationship with Pupil A. Therefore, looking at the matter as a whole, the panel concluded that Mr Suter's conduct was of a sexual nature.

The panel next considered whether Mr Suter's conduct was sexually motivated. The panel noted that a sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

The panel concluded that Mr Suter's conduct, which began in 2004, was in pursuit of a sexual relationship with Pupil A and did in fact develop in to a sexual relationship with her. The panel concluded that as a direct result of the sexual relationship with Pupil A, Mr Suter gained sexual gratification.

For the reasons set out above, the panel found allegation 2 proven.

3. In or around 2010, you asked Pupil A would she sign a document stating that the relationship between you and her did not happen and/or words to that effect.

The panel considered Pupil A's evidence. She stated that around 2010, Mr Suter contacted her saying that he had been in some trouble and that [REDACTED] was out to get him, because someone else had complained about him. Pupil A stated that they exchanged some messages, and then Mr Suter had asked her to sign something to say

that nothing had happened between them. Pupil A stated that she did not sign anything as she did not want to lie. The panel was not provided with copies of the messages.

In written submissions provided by Mr Suter he did not appear to comment on this allegation, although he stated that he cut ties with Pupil A in June 2009. Mr Suter did state that he had some difficulties at the School around 2010, regarding a complaint made about him emailing a pupil.

The panel preferred Pupil A's evidence.

The panel concluded that, on the balance of probabilities, it was more likely than not that Mr Suter did ask Pupil A to sign a document stating that the relationship between them did not happen, or words to that effect.

The panel found allegation 3 proven.

4. Your conduct as may be found proven at 1.b and/or 1.h.iv and/or allegation 3 above lacked integrity and/or was dishonest.

Having found the factual allegations at 1.b, 1.h.iv and 3 proven, the panel went on to consider whether Mr Suter had lacked integrity or acted dishonestly.

The panel considered that each of the allegations found proven suggested that Mr Suter had taken steps to keep his relationship with Pupil A secret.

In regards to whether Mr Suter's conduct amounts to a lack of integrity, the panel took account of the principles in the conjoined appeals of *SRA v Malins and Wingate v SRA* [2018] EWCA Civ 366. The panel considered that Mr Suter had failed to act within the higher standards expected of a teacher by asking Pupil A to keep his behaviour secret. The panel considered that Mr Suter took these steps to conceal his conduct because he knew that it was wrong, and that there would be serious consequence if their relationship had been revealed.

In relation to dishonesty, the panel took account of the principles laid down in the case of *Ivey v Genting Casinos* [2017] UKSC 67. The panel first sought to ascertain the actual state of knowledge or belief as to the facts. The Panel concluded that Mr Suter would have known that it was wrong to ask Pupil A to conceal the fact that they were emailing each other or had been in a relationship. The panel considered that Mr Suter's motive was to keep their relationship a secret because he knew it was wrong. The panel concluded that an ordinary decent person would find that Mr Suter had acted dishonestly by asking Pupil A to be involved in hiding his inappropriate conduct.

The panel found allegation 4 proven in its entirety.

The panel found the following particulars of the allegations against you not proved, for these reasons:

5. You were in possession of one or more illegal images, including one or more indecent images of a child.

The panel heard oral evidence from Witness B, [REDACTED]. Witness B told the panel that the police had identified a number of illegal images on Mr Suter's devices. However, a decision not to proceed with any criminal charges was made. This was explored further in oral evidence. Witness B explained that whilst a number of indecent images of children had been identified, Mr Suter had denied knowledge of these images.

The panel carefully considered the information and evidence it had in relation to this allegation. The panel acknowledged that it was not bound by decision made by others in relation to this allegation. The panel also considered that there is a higher standard of proof in criminal cases, namely beyond all reasonable doubt. This panel was concerned with the civil standard, namely on the balance of probabilities.

The panel heard evidence from Witness B that a number of indecent images of children had been located on Mr Suter's devices. However, Mr Suter denied knowledge of the images. Witness B explained that there was evidence that other members of Mr Suter's household had access to the device. In oral evidence, Witness B confirmed that there was no evidence that Mr Suter had searched for the images, or the types of images located. Witness B also stated that sometimes images can be saved at the back of the computer unintentionally.

The panel considered the definitions of the word 'possession'. It had been referred to the case of R v Okoro (No.3) [2018] EWCA Crim 1929, which, in summary, said that it must be proven that the images are within the accused's custody or control such that they were capable of accessing them and they must know that they possess the images. The panel acknowledged that this was a criminal case. The panel also considered the ordinary meaning of the word possession.

The panel noted that the police had located a significant volume of pornographic images and only a handful of those were indecent images of children. On balance, the panel was concerned that there was no evidence that Mr Suter was aware that the images were on his device, or that he had accessed them.

The panel found allegation 5 not proven.

6. Your conduct as may be found proven at allegation 5 above is demonstrative of sexual interest of children.

The panel did not go on to consider allegation 6, as it had found allegation 5 not proven.

Therefore, it follows that the panel found allegation 6 not proven.

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

Having found allegations 1 to 4 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 Suter, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Suter 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Suter’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 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 sexual activity, sexual communication with a child and controlling behaviour were relevant.

The panel was satisfied that the conduct of Mr Suter 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 Suter was guilty of unacceptable professional conduct.

In relation to whether Mr Suter'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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils and protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest if they are in conflict.

In the light of the panel's findings against Mr Suter which involved engaging in an inappropriate relationship with Pupil A that was of a sexual nature and was sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

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

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 Suter in the profession. The panel concluded that there is a general public interest in retaining teachers in the profession.

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 Suter.

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 Suter. 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;
- 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;
- 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;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:

- any activity that involves knowingly substantiating another person's statements where they are known to be false;
- encouraging others to break rules;
- lying to prevent the identification of wrongdoing;

The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest, even if no criminal offence is involved.

Even though some of the behaviours 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 evidence that Mr Suter's actions were deliberate.

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

The panel saw evidence that showed Mr Suter was previously subject to disciplinary proceedings, receiving a 12 month suspension in 2012. This related to Mr Suter also sending inappropriate text messages and emails to a different pupil in 2010.

The panel had very limited evidence of Mr Suter's ability as a teacher.

The panel noted that Mr Suter's engagement with TRA was limited and that he did not attend the hearing. There was no evidence that he has insight into his conduct. The panel considered that Mr Suter had sought to blame others for the position that he had found himself in. The panel concluded that Mr Suter had deliberately attempted to conceal his actions and had tried to involve Pupil A in his attempts to keep their relationship secret.

Mr Suter did not provide any evidence of remorse. In particular, the panel noted that Mr Suter had not recognised the impact of his actions on Pupil A, which the panel found to be significant and long-lasting.

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 Suter 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 Suter. The fact that Mr Suter had developed and engaged in a sexual relationship with Pupil A and sought to keep that secret was a significant factor in forming that opinion. The panel also considered that this was not a one-off incident, and there was evidence of a pattern of 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 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 cases 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.

The panel had found that Mr Suter had engaged in a sexual relationship, spanning a period of around 5 years, with a pupil who was [REDACTED] at the time the relationship began. Mr Suter had taken steps to attempt to conceal that inappropriate relationship, knowing that it was wrong, and that there would be serious consequence if their relationship had been revealed.

The panel concluded that the proven conduct weighed in favour of not offering a review period.

As noted above, Mr Suter had not provided evidence of insight or remorse into his behaviour. The panel was also concerned that his harmful behaviour had been repeated and involved more than one pupil.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without 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 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, including allegation 5 and 6. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Suter 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Suter, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding of engaging in an inappropriate relationship with a pupil, conduct that was found to be of a sexual nature and was sexually motivated.

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 Suter 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, "In the light of the panel's findings against Mr Suter which involved engaging in an inappropriate relationship with Pupil A that was of a sexual nature and was sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils." 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, "The panel noted that Mr Suter's engagement with TRA was limited and that he did not attend the hearing. There was no evidence that he has insight into his conduct. The panel considered that Mr Suter had sought to blame others for the position that he had found himself in. The panel concluded that Mr Suter had deliberately attempted to conceal his actions and had tried to involve Pupil A in his attempts to keep their relationship secret." In my judgement, the lack of insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Suter were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexually motivated conduct with a pupil 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 Suter himself and the panel comment "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 Suter in the profession. The panel concluded that there is a general public interest in retaining teachers in the profession." The panel went on to say, "The panel had very limited evidence of Mr Suter's ability as a teacher."

A prohibition order would prevent Mr Suter 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, "Mr Suter did not provide any evidence of remorse. In particular, the panel noted that Mr Suter had not recognised the impact of his actions on Pupil A, which the panel found to be significant and long-lasting."

I have also placed considerable weight on the finding of the panel that "The panel saw evidence that showed Mr Suter was previously subject to disciplinary proceedings, receiving a 12 month suspension in 2012. This related to Mr Suter also sending inappropriate text messages and emails to a different pupil in 2010."

The findings are serious Mr Suter had engaged in a sexual relationship with a pupil which spanned a long period. Mr Suter attempted to conceal that relationship knowing it was wrong.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Suter 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 that no provision should be made for a review period.

I have considered the panel's comments "The panel concluded that the proven conduct weighed in favour of not offering a review period." The panel also said "Mr Suter had not

provided evidence of insight or remorse into his behaviour. The panel was also concerned that his harmful behaviour had been repeated and involved more than one pupil.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of either insight or remorse.

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

This means that Mr Christopher Suter 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 Suter 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 Christopher Suter 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 23 August 2024

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