



Teaching
Regulation
Agency

Olaf Stepnowski: Professional conduct panel outcome

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

November 2024

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

Teacher: Olaf Stepnowski

Teacher ref number: 0931801

Teacher date of birth: 10 September 1974

TRA reference: 21547

Date of determination: 12 November 2024

Former employer: Lawnswood Campus – Braybrook Centre

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 11 November 2024 via Microsoft Teams, to consider the case of Olaf Stepnowski.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Mr Peter Ward (lay panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel was Mr Duncan MacGregor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Alexandra Monaghan of Crucible Law, instructed by Kingsley Napley LLP.

Mr Olaf Stepnowski was not present for the hearing and was not represented at the hearing. The panel considered an application to proceed in Mr Stepnowski’s absence on day 1.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 16 July 2024.

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

1. On 20 April 2021, Mr Stepnowski used an unnecessary and/or inappropriate physical restraint on Person A
2. Mr Stepnowski's conduct at paragraph 1 was contrary to:
 - a) previous management instructions regarding physical restraint on young people, and/or
 - b) approved 'Team Teach' physical restraint techniques.

Mr Stepnowski was not present at the hearing, so was taken to have not admitted either the allegations or that he was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Preliminary application to proceed in the absence of Mr Stepnowski

The panel considered the presenting officer's application to proceed with the hearing in the absence of the teacher. The panel granted this application for the reasons set out below.

The panel was satisfied that the TRA has complied with the service requirements of paragraph 19(1) (a) to (c) of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient

disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of R v Jones.

In assessing the nature and circumstances of Mr Stepnowski's behaviour in absenting himself from the hearing, the panel considered the documents in the proceeding in absence bundle, in particular:

- 1) The exchange of emails between Mr Stepnowski and Kingsley Napley LLP (on behalf of the TRA) wherein:
 - a. On 21 May 2024, by email timed 14:19, Mr Stepnowski confirmed that he was Mr Olaf Stepnowski and that Kingsley Napley LLP was contacting him at the correct email address;
 - b. On 23 May 2024, by email timed 16:15, Mr Stepnowski stated that "*TRA investigation is out of my interest... I have no trust in any proceedings offered me by institution which are school related. To me the system is morally corrupt... Please do not contact me anymore. I do not wish to be contacted. I am not interested in your proceedings and your decisions... I will file a civil case against anybody who will harass me with this matter again*".
- 2) The Notice of Hearing dated 16 July 2024 was served on Mr Stepnowski by post.
- 3) That Mr Stepnowski did not submit a Response to Notice of Hearing form.
- 4) The exchange of emails between Mr Stepnowski's representative and Kingsley Napley LLP on 15 October 2024, wherein Mr Stepnowski's representative confirmed that Mr Stepnowski did not wish to:
 - a. attend the hearing or be represented at the hearing; or
 - b. submit any new documentation further to the documents included at section 5 of the hearing bundle.

From these documents, the panel was satisfied that:

- 1) Mr Stepnowski was made aware of the panel hearing in ample time, in excess of the required 10 weeks' notice;

- 2) Mr Stepnowski had clearly and unequivocally waived his right to participate in these proceedings;
- 3) Mr Stepnowski was very unlikely to opt to participate in these proceedings if the panel hearing was adjourned, given Mr Stepnowski's reasons for declining to participate in the first instance; and
- 4) Mr Stepnowski had an appointed representative, but instructed that representative not to attend on his behalf.

The panel considered that in light of Mr Stepnowski's clear and unequivocal comments about his disengagement with the hearing process, he would be highly unlikely to attend a panel hearing following an adjournment. Any adjournment would likely be for a number of months in order for a panel to be convened.

The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, that may be taken into consideration in deciding whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel noted that Mr Stepnowski had provided documentary evidence that included: (i) his contemporaneous account of the incident from which the allegations arise and two later accounts of the incident; (ii) written statements given by him in disciplinary proceedings conducted by the school; and (iii) evidence of his character provided by other members of staff at the school, which the panel could consider on the issue of mitigation, if appropriate to do so. From these documents, the panel was satisfied that it was able to ascertain Mr Stepnowski's lines of defence.

As to whether Mr Stepnowski was disadvantaged by the panel proceeding in his absence, the panel considered that. Mr Stepnowski would not have the benefit of testing the evidence put forward by the TRA, but noted that the panel could mitigate that disadvantage to some extent by asking its own questions based on its understanding of Mr Stepnowski's lines of defence.

The panel recognised that the allegations against the teacher were serious and that there was a real risk that, if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession.

The conduct alleged was said to have taken place whilst the teacher was employed at the school. The school would have an interest in this hearing taking place in order to move forwards.

The panel has also noted that there was one witness prepared to give evidence at the hearing and that it would be inconvenient and potentially distressing for this to be re-scheduled. Delaying the case may have impacted upon the memories of that witness.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these were serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing today.

Preliminary application – admission of hearsay evidence already contained in the bundle

The panel granted the presenting officer's application to admit the hearsay evidence of Witness B for the reasons set out below.

Under paragraph 5.33 of the 2020 Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents may reasonably be considered to be relevant to the case in relation to the previous management advice given to the teacher. The panel considered that whilst Witness B's evidence was not central to the allegations, it is relevant to the background to the proceedings, in particular:

- 1) The teacher's employment at the school;
- 2) The training undertaken by the teacher whilst employed at the school;
- 3) The formal management advice given to the teacher with respect to incidents in March 2019, 10 February 2020 and 20 January 2021;
- 4) The investigation carried out by the school with respect to the incident, subsequent disciplinary hearings and the LADO referral; and
- 5) CCTV evidence from the school adduced by the TRA.

The central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the Presenting Officer without the opportunity for the witness to be cross-examined by the teacher.

The panel took account of the efforts made to secure the attendance of the witness. The panel noted that initially, on 28 June 2024, Witness B had indicated their availability in the week commencing 11 November 2024. However, upon receiving the listing for the Professional Conduct Panel Hearing on 13 September 2024, Witness B responded to say that they were no longer available. Witness B's email of 13 September 2024

explained that: (i) they would not be in the United Kingdom when the hearing took place; and (ii) they would not be able to attend the hearing remotely, due to a lack of internet connection.

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence is of a witness on the periphery of the case, in particular: (i) their evidence concerns the background of the case; and (ii) Witness B was not an eye-witness to the incident giving rise to the allegations.

In the circumstances, given that all reasonable efforts have been made to secure the attendance of the witness; the evidence is on the periphery of the case; the panel has decided that there are a sufficient safeguards to protect the teacher against any unfairness caused by being unable to cross-examine this witness. The panel also noted that it will be provided with a hearsay warning in due course, and the panel will determine what weight, if any, it should attach to the evidence. The panel noted that in the teacher's absence it would have to exercise additional caution with respect to Witness B's evidence when considering the weight of that evidence.

On the issue of fairness, the panel also noted that the hearing bundle contained the teacher's letter of 8 April 2019, responding to the school's formal management advice of 28 March 2019 and the teacher's written representations from the school's disciplinary process. The panel considered that the teacher's letter of 8 April 2019 explained his position with respect to the formal management advice given to him. This allowed the panel to deduce what the teacher's potential lines of defence would have been with respect to the core part of Witness B's evidence, that being the formal management advice given to the teacher.

Given, the absence of the teacher, the panel considered whether he had received the document and had sufficient opportunities to make representations about it. The panel noted that solicitors for the TRA had notified the teacher's representative of the TRA's intention to make a hearsay application on 15 October 2024 and would provide the application shortly thereafter, which was more than a month after learning that Witness B could no longer attend the hearing, but gave the teacher and their representative sufficient notice of the application.

The panel also noted that in light of the teacher's clear and unequivocal waiver of their right to attend the hearing and their right to be represented at the hearing, the teacher had been given sufficient opportunity to make representations objecting to the admission of Witness B's evidence and / or the hearsay application but had chosen not to do so.

By reason of the above, the panel has decided to admit each of the documents and these should be paginated as follows:

- 1) The Witness Statement of Witness B (pages 14 to 20 of the main hearing bundle); and
- 2) Exhibits to Accompany Witness B's statement (pages 25 to 210 of the main hearing bundle).

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 4 to 5

Section 2: Notice of Hearing and response (placeholder) – pages 6 to 13

Section 3: Teaching Regulation Agency Witness Statements – pages 14 to 24

Section 4: Teaching Regulation Agency Documents – pages 25 to 210

Section 5: Teacher Documents – pages 211 to 286

The panel also had sight of CCTV footage provided by the school. Stills from this footage were included at item 9 in the bundle.

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

Witnesses

The panel heard oral evidence from Witness A ([REDACTED]) (called by the presenting officer).

The panel did not hear oral evidence from 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.

Summary of the case

Mr Stepnowski applied for the role as a maths teacher at the school on or around May 2018 and was offered the role on 17 May 2018. Mr Stepnowski commenced employment in that role on 1 July 2018.

On 27 March 2019, 10 February 2020 and 20 January 2021, Mr Stepnowski was given management advice regarding his conduct towards pupils at the school.

In July 2020, Mr Stepnowski was given refresher Team Teach training.

On 20 April 2021, the incident giving rise to the allegations occurred. On 23 April 2021, Mr Stepnowski was suspended from teaching.

On 18 February 2022 and 28 February 2022, a disciplinary hearing took place. On 28 February 2022, Mr Stepnowski ceased working at the school. On 28 February 2022, Mr Stepnowski was referred to the TRA.

On 11 March 2022, Mr Stepnowski appealed the findings of the disciplinary hearing. On 17 January 2023, Mr Stepnowski's appeal of the disciplinary hearing was rejected by the City of Wolverhampton Council Staff Dismissal (Appeals) Committee.

Findings of fact

The findings of fact are as follows:

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

1. On 20 April 2021, you used an unnecessary and/or inappropriate physical restraint on Person A

The panel found this allegation proved for the following reasons.

The panel heard from Witness A that Mr Stepnowski had restrained Person A on 20 April 2021. Mr Stepnowski's written evidence did not dispute this, Mr Stepnowski's written accounts were consistent in that he said he had restrained Person A on 20 April 2021. In addition, the panel noted that this fact was consistently reported throughout all of the written evidence made available to the panel.

The panel then considered whether it had been necessary for Mr Stepnowski to restrain Person A.

The panel heard evidence from Witness A that:

- 1) They were "*very close, a couple of metres or three metres*" from the incident (which the panel noted was corroborated by images taken from the CCTV footage provided by the school);

- 2) Mr Stepnowski had not requested assistance from any nearby staff members (the panel noted that Mr Stepnowski's own written evidence made no mention of him requesting assistance from nearby staff members);
- 3) Witness A had not heard Mr Stepnowski attempt to verbally de-escalate the incident, despite being within "*a couple of metres or three metres*" of the incident, which the panel noted was corroborated by the contemporaneous handwritten statement made by Person A; and
- 4) Witness A had seen Person A trying to push Mr Stepnowski over.

The panel noted Mr Stepnowski's written account that he had attempted to verbally de-escalate the incident, but gave this less weight as: (i) the panel had not had the opportunity to ask Mr Stepnowski questions on this point; (ii) Mr Stepnowski's description in his incident report form of 20 April 2021, of asking Person A to "*stop it*" did not (in the panel's view) amount to an effective attempt to verbally de-escalate the situation.

The panel noted Mr Stepnowski's comments in his written representations of 21 May 2023, criticising the accounts of other staff members as "*false*" (including Witness A).

On balance, the panel considered that it had had sufficient opportunity to question Witness A and make its own assessment of the credibility of Witness A's evidence, whereas Mr Stepnowski had chosen not to attend the hearing and avoid being questioned about his evidence, meaning that the panel had been unable to test Mr Stepnowski's evidence at all.

In considering the case of *R (Kuzmin) v GMC* on the power of a panel to draw an adverse inference, the panel considered that:

- 1) A prima facie case to answer had been established – Witness A's evidence and Mr Stepnowski's own comments established that Mr Stepnowski had not sought to leave the incident or seek assistance from nearby staff members;
- 2) Mr Stepnowski had been given appropriate notice of the hearing, which included a warning that their failure to engage with the hearing may lead to the panel drawing an adverse inference. Moreover, Mr Stepnowski was represented and had the benefit of professional advice as to the consequences of his decision not to attend the hearing;
- 3) Mr Stepnowski had not provided any reasonable explanation for not giving evidence at the hearing; and
- 4) There were no other circumstances which would make it unfair to draw such inference.

The panel drew an adverse inference from Mr Stepnowski's decision not to attend the hearing that if questioned about whether he had other options available to de-escalate the incident, Mr Stepnowski's defence would have been undermined. In the

circumstances, the panel considered that Witness A's evidence should be given more weight than Mr Stepnowski's written evidence on this point.

On the balance of probabilities, the panel considered that Mr Stepnowski had ample opportunity to de-escalate the incident without resorting to a physical restraint, as:

- 1) the incident occurred outdoors on a football field and therefore Mr Stepnowski could have removed himself from the incident if it had exceeded his ability to de-escalate verbally;
- 2) other members of staff were a very short distance away, who could have assisted him if called on to do so; and
- 3) there was no clear evidence to support the teacher's account that he had already used verbal techniques to attempt to de-escalate the incident.

The panel noted that Mr Stepnowski's account appeared to be corroborated by another staff member during the school's disciplinary hearing, but: (i) neither this witness nor Mr Stepnowski had appeared at the hearing to give evidence to the panel; (ii) the written evidence of the other staff member was not a signed witness statement with a statement of truth, so the panel could not ascribe material weight to the evidence of the other staff member.

The panel considered that for the reasons explained above, Mr Stepnowski had other options available to him in order to de-escalate the incident rather than restraining Person A.

The panel also considered that it was useful to evaluate what was 'necessary' in the context of paragraph 6.7 of the school's physical intervention policy, which states that "*in extreme circumstances more restrictive appropriate holds used should be those in which staff have received training through Team Teach*". Further, the panel noted that paragraph 6.5 of the school's physical intervention policy states that "*physical restraint should only be considered when other non-physical, strategies have failed*".

The panel had regard to Mr Stepnowski's written evidence, which gave different descriptions of what happened on each occasion Mr Stepnowski had produced a written account of the incident:

- 1) In Mr Stepnowski's 20 April 2021 incident form, he stated that "*initially [Person A] just wanted to wrestle with me*" before Person A "*started pushing me with both hands*" and eventually "*launching [themselves] with [their] shoulder and elbow at my chest*";
- 2) In Mr Stepnowski's 21 April 2021 statement, he stated that in addition to Person A pushing him and launching themselves at him, the other students were "*surrounding me*".

- 3) In Mr Stepnowski's 21 May 2023 representations, he stated that Person A was *"launching rugby style attack at me – with [their] one arm being folded against [their] chest was running at me hitting me at the chest level, again attempting to make me fall over... the whole time I was surrounded by other three boys [sic]"*.

The panel noted the inconsistencies in Mr Stepnowski's description of the incident, which in combination with his absence from the panel hearing reduced the weight the panel could give Mr Stepnowski's evidence.

The panel noted that Mr Stepnowski's account appeared to be corroborated by another staff member during the school's disciplinary hearing, but: (i) neither this witness nor Mr Stepnowski had appeared at the hearing to give evidence to the panel; (ii) the written evidence of the other staff member was not a signed witness statement with a statement of truth, so the panel could not ascribe material weight to the evidence of the other staff member.

The panel also heard evidence from Witness A that Person A had been shouting at Mr Stepnowski and attempting to push him over, but Witness A did not recall Person A launching himself at Mr Stepnowski or attacking Mr Stepnowski.

The panel considered that Person A's actions immediately prior to Mr Stepnowski restraining them were not entirely clear from the evidence available to the panel, having not had the opportunity to test the evidence of a number of eye-witnesses to the incident whom had not been called to attend the hearing. On balance, the panel was not satisfied that the incident amounted to "*extreme circumstances*" or that Mr Stepnowski had exhausted all other available strategies, and so it was not necessary for Mr Stepnowski to use a physical restraint on Person A pursuant to paragraphs 6.5 and 6.7 of the school's physical intervention policy.

The panel considered that whilst it was conceivable that Person A had acted aggressively and / or threateningly towards Mr Stepnowski, on the balance of probabilities the panel was satisfied that Mr Stepnowski had other options available to him to de-escalate the incident, other than restraining Person A, that he should have exercised first.

The panel next considered the means that Mr Stepnowski had used to restrain Person A.

Not being able to question Mr Stepnowski directly, in the first instance the panel considered Mr Stepnowski's written evidence, in particular:

- 1) Mr Stepnowski's 20 April 2020 incident report form, in which he stated that he *"had to take hold of [Person A's] arms... at the elbow level, I moved [Person A's] body to the ground"*;
- 2) Mr Stepnowski's 21 April 2020 written statement, in which he stated that he *"decided... to somehow force him down to the ground hoping that some adult will notice what was going on..."*; and

- 3) Mr Stepnowski's 21 May 2023 written representations, in which he stated that he *"decided to place him on the ground using my leg... I had his body under my control... I did not push him; I did not throw him; I did that holding his both arms [sic]"* but *"I admit the way I handled the restraint was not in accordance with the Team Teach training"*.

The panel noted that Mr Stepnowski's written accounts were not consistent in their description of his physical restraint of Person A. In particular, Mr Stepnowski's most recent written account included reference to using his leg to move Person A to the floor, which neither of his two previous accounts had included. The panel considered that this was a material discrepancy that cast doubt on the credibility of Mr Stepnowski's earlier accounts, especially given Mr Stepnowski had chosen not to attend the hearing and had deprived the panel of asking him questions on this topic.

The panel also heard from Witness A that the technique used by Mr Stepnowski to put Person A on the floor was not a technique taught to staff at the school.

The panel noted that Witness A's account in their 20 April 2021 incident report form and their statement offered inconsistent evidence as to the actions that Mr Stepnowski used to put Person A on the floor. Witness A's incident report form stated that Mr Stepnowski *"grabbed Person A by the neck and threw him to the floor"*, whereas Witness A's statement at paragraph 10 describes how Mr Stepnowski *"put his right leg behind Person A and swiped at his legs to bring him down to the floor, he grabbed Person A by the collar and Person A ended up on the floor with Olaf Stepnowski on top of him"*. In oral evidence, Witness A re-iterated the version set out in his witness statement. When questioning Witness A on this discrepancy, the panel considered that Witness A's explanation was not clear or convincing.

The panel also considered that finding the allegations proven or not proven did not turn on whether Mr Stepnowski grabbed Person A by the *"neck"* as opposed to by the *"collar"*, or whether he *"threw"* Person A to the floor as opposed to *"swiped at his legs to bring him down to the floor"* as any of those actions would be inappropriate physical restraint.

On balance, the panel considered that it was more likely than not that as part of the physical restraint of Person A, Mr Stepnowski had swept the legs of Person A from underneath them in order to move Person A to the floor. The panel considered that this technique was, on the balance of probabilities, outside of the school's physical intervention policy and was therefore inappropriate.

In totality, the panel considered that:

- 1) It was not necessary to restrain Person A, as other means of de-escalating the incident were available to Mr Stepnowski and ought to have been used instead of restraining Person A; and

- 2) It was inappropriate to restrain Person A by sweeping Person A's legs from underneath them in order to put Person A on the floor. This was not a technique permitted at the school and risked injuring pupils.

2. Mr Stepnowski's conduct at paragraph 1 was contrary to:

a) previous management instructions regarding physical restraint on young people

The panel found allegation 2(a) proven.

In considering what constituted 'management instructions', the panel considered that the following should be included:

- 1) The school's physical intervention policy; and
- 2) The formal management advice given to Mr Stepnowski.

The panel had regard to the school's physical intervention policy, the panel considered that on the balance of probabilities, for the reasons set out above under allegation 1, Mr Stepnowski had breached the school's physical intervention policy.

The panel had regard to the formal management advice given to Mr Stepnowski:

- 1) On 28 March 2019, the school wrote to Mr Stepnowski advising him that *"you must use the Team Teach approach where 90% is de-escalation. You should not lay hands on the pupils and use guiding techniques where appropriate" and "should there be any further occasions of you handling the pupils inappropriately then it may lead to disciplinary proceedings"*.
- 2) On 12 April 2019, the school wrote to Mr Stepnowski advising him that *"you admit that you pushed the pupil" and "holding a pupil by the neck is not an appropriate method of restraint. You clearly admit that you did this as well as raising your foot" and "A team Teach training package was suggested to support you as clearly this is not methodology delivered as part of the training"; and*
- 3) On 10 February 2020, the school wrote to Mr Stepnowski advising him that *"you had taken a child to the floor, a technique that was not part of the Team Teach training you have received since your employment at Lawnswood Campus" and "if there are further incidents of you using techniques outside of the Team Teach guidelines, I will have to consider initiating the disciplinary process"*.

The panel identified that Mr Stepnowski had, on at least two separate occasions, received previous management advice to address physical intervention with pupils which (according to the school) was in breach of its policies and in breach of the 'Team Teach' approved restraint techniques.

Given the panel's findings above that Mr Stepnowski swept Person A's legs from underneath them and moved them to the floor in order to restrain them, the panel was satisfied that on the balance of probabilities, Mr Stepnowski's actions under allegation 1

were in breach of previous management instructions regarding physical restraint on young people.

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

b) approved ‘Team Teach’ physical restraint techniques.

The panel found allegation 2(b) not proven.

The panel was not provided with a copy of the ‘Team Teach’ principles or any ‘Team Teach’ documentation on physical restraint techniques. The panel did not hear submissions that explained why Mr Stepnowski’s restraint of Person A was not in accordance with the approved ‘Team Teach’ physical restraint techniques. As such, the panel was not appraised of the relevant standards against which the allegation could be found proven.

The panel noted Mr Stepnowski’s statement at page 212 of the bundle that *“the way I handled the restraint was not in accordance with the Team Teach training”*.

The panel heard from Witness A that Mr Stepnowski’s restraint of Person A was not in accordance with the approved ‘Team Teach’ physical restraint techniques, but when questioned by the panel, Witness A did not give a clear answer as to why this was the case.

The panel noted the written evidence in the bundle that the school considered Mr Stepnowski’s actions to have breached the approved ‘Team Teach’ physical restraint techniques, but those findings were not determinative of the facts before the panel.

The panel considered that on the balance of probabilities, allegation 2(b) was not proven.

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.

Unacceptable Professional Conduct

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 Stepnowski, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Stepnowski 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
- 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 Stepnowski fell significantly short of the standard of behaviour expected of a teacher.

The panel was satisfied that the conduct of Mr Stepnowski, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Stepnowski was in breach of the following provisions: in breach of his duty to safeguard the welfare of children.

The panel also considered whether Mr Stepnowski's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant. The panel noted there may be other behaviours that the panel may consider to be unacceptable professional conduct. The panel considered that the use of inappropriate restraint, despite having received relevant management instructions regarding this was serious misconduct.

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

Disrepute

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel considered that Mr Stepnowski's position as a role model to pupils made his actions very likely to bring the profession into disrepute. Mr Stepnowski's response to the behaviour of Person A had been to resort to physical restraint ahead of other options to de-escalate the incident, which would inevitably set a poor example for pupils, in

particular Person A, who had previously been physically aggressive towards staff members at the school.

The panel also considered whether Mr Stepnowski's conduct displayed behaviours associated with any of the offences in the list that begins 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 conduct that may bring the profession into disrepute. The panel found that none of the offences at page 12 of the Advice were relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "*conduct that may bring the profession into disrepute*". The panel considered that Mr Stepnowski's repeated disregard for the school's policies and the school's formal management advice on the physical restraint of pupils amounted to conduct that was very likely to bring the profession into disrepute.

Having found the facts of particulars Allegation 1 and 2(a) proved, the panel further found that Mr Stepnowski'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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Stepnowski and whether a prohibition order is necessary and proportionate. 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 protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Stepnowski, which involved serious risk of harm being caused to pupils by Mr Stepnowski's failure to adhere to formal management advice, the school's physical intervention policy, professional standards and safeguarding policies, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate physical restraint

being performed on Person A. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stepnowski 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 Stepnowski was outside that which could reasonably be tolerated.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, 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); and
- 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, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

In the light of the panel's findings that:

- There was compelling evidence that Mr Stepnowski's actions were deliberate.
- The panel considered that Mr Stepnowski was previously subject to formal management advice by the school, but had breached the school's advice, the school's physical intervention policy and professional standards in their actions towards Person A. The panel therefore considered that there was risk of repetition of the incident.

- There was no evidence that Mr Stepnowski had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector.
- There was no evidence to suggest that Mr Stepnowski was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel noted their findings that Person A had potentially been acting in an aggressive and / or threatening way to Mr Stepnowski immediately prior to the incident, but considered that this did not amount to extreme duress.

The panel considered that none of the criteria on page 18 of the Advice regarding mitigation applied (noting that this list is not exhaustive).

The panel noted that Mr Stepnowski had submitted documentary evidence in mitigation, namely, a number character references. The panel noted that whilst these character references were positive, there was no indication that the references had been given in the context of the allegations made against Mr Stepnowski and none of the references addressed Mr Stepnowski's actions. The panel also noted Mr Stepnowski's reference to having an injured shoulder at the time of the incident as a mitigating factor in his written evidence, but the panel noted that in the absence of accompany medical evidence, this factor could not be given material weight.

The panel did not hear any oral evidence from Mr Stepnowski on mitigation as he was absent from the hearing.

The panel was of the view that Mr Stepnowski had not shown any insight into his actions. The panel considered this was particularly clear from his attempts to blame the incident on Person A, with no regard for how the incident might have harmed Person A. Mr Stepnowski's comments recorded in the proceeding in absence application bundle, that he thought the "*system is morally corrupted*", were noted.

The panel considered that there was no evidence that Mr Stepnowski had shown remorse for his actions.

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 Stepnowski 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

Stepnowski. Mr Stepnowski's repeated and deliberate disregard for safeguarding standards, the risk of repeat incidents in the future, together with his lack of insight and remorse were a significant factor 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel considered that those cases were not relevant.

The Advice indicates that there are cases involving certain conduct where 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 those cases were not relevant.

The panel considered that Mr Stepnowski's lack of regard for professional standards, which was deliberate, illustrated the need for a review period, since Mr Stepnowski has not yet: (i) developed his understanding of the importance of safeguarding principles and practices, especially in connection with physical restraint of pupils; (ii) shown that he has improved his ability to control his behaviour when faced with situations in a school environment that risked exceeding his control; and (iii) demonstrated insight and remorse.

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 after two years.

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/or conduct that may bring the profession into disrepute.

In this case, the panel has also 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 Olaf Stepnowski should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Stepnowski 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
- 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 Stepnowski involved breaches of the responsibilities and duties set out in the statutory guidance 'Keeping children safe in education'.

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

The findings of misconduct are serious as they include a teacher using unnecessary and/or inappropriate physical restraint on a pupil.

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

“In the light of the panel’s findings against Mr Stepnowski, which involved serious risk of harm being caused to pupils by Mr Stepnowski’s failure to adhere to formal management advice, the school’s physical intervention policy, professional standards and safeguarding policies, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate physical restraint being performed on Person A.”

I am also mindful that the panel notes, on at least two separate occasions, Mr Stepnowski had previously received management advice to address physical intervention with 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 was of the view that Mr Stepnowski had not shown any insight into his actions. The panel considered this was particularly clear from his attempts to blame the incident on Person A, with no regard for how the incident might have harmed Person A. Mr Stepnowski’s comments recorded in the proceeding in absence application bundle, that he thought the “*system is morally corrupted*”, were noted.

The panel considered that there was no evidence that Mr Stepnowski had shown remorse for his actions.”

In my judgement, the lack of evidence of Mr Stepnowski’s insight into and remorse for his actions 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 observes that:

“The panel considered that Mr Stepnowski’s position as a role model to pupils made his actions very likely to bring the profession into disrepute. Mr Stepnowski’s response to the behaviour of Person A had been to resort to physical restraint ahead of other options to de-escalate the incident, which would inevitably set a poor example for pupils, in particular Person A, who had previously been physically aggressive towards staff members at the school.”

I am particularly mindful of the finding of a teacher using inappropriate physical force in this case and the negative impact that such a finding may have on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Stepnowski himself. The panel records that:

“The panel noted that Mr Stepnowski had submitted documentary evidence in mitigation, namely, a number character references. The panel noted that whilst these character references were positive, there was no indication that the references had been given in the context of the allegations made against Mr Stepnowski and none of the references addressed Mr Stepnowski’s actions.”

The panel also notes that it saw no evidence that Mr Stepnowski had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector.

A prohibition order would prevent Mr Stepnowski 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 evidence of insight or remorse and the risk this creates of a repetition and consequent detriment to the safety and wellbeing of pupils.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Stepnowski 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 full 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 two-year review period.

I have considered the panel's concluding comments:

"The panel considered that Mr Stepnowski's lack of regard for professional standards, which was deliberate, illustrated the need for a review period, since Mr Stepnowski has not yet: (i) developed his understanding of the importance of safeguarding principles and practices, especially in connection with physical restraint of pupils; (ii) shown that he has improved his ability to control his behaviour when faced with situations in a school environment that risked exceeding his control; and (iii) demonstrated insight and remorse.

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 after two years."

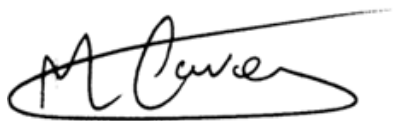
I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that allowing a two-year review period is an appropriate and proportionate response to the misconduct it has found. These elements are the serious nature of the misconduct found, as well as the lack of evidence of either insight or remorse which in my judgment creates a risk of repetition and harm to the wellbeing of pupils in the future.

I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Olaf Stepnowski 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 20 November 2026, two 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 Stepnowski remains prohibited from teaching indefinitely.

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

Mr Stepnowski has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M Cavey', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 15 November 2024

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