



Teaching
Regulation
Agency

Mr Curtis Austin: 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

Teacher: Mr Curtis Austin
Teacher ref number: 1280030
Teacher date of birth: 14 August 1989
TRA reference: 20282
Date of determination: 15 November 2024
Former employer: [REDACTED]

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 30 to 31 July 2024, 2 August 2024 (panel determinations only) and 15 November 2024 by way of a virtual hearing, to consider the case of Mr Curtis Austin.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Debra Vaughan (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Leah Redden of Browne Jacobson solicitors.

Mr Austin was present and was represented by Mr Stephen Tawiah of 33 Bedford Row. Mr Mark Oley, Union representative was also present.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 18 March 2024, as amended.

It was alleged that Mr Curtis Austin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that between July 2019 and February 2020:

1. He was a member of WhatsApp chats alongside one or more of his colleagues in which he:
 - a. Sent and/or received inappropriate messages which discussed his female colleagues in a way which was:
 - i. Sexually objectifying;
 - ii. Homophobic
 - iii. Misogynistic
 - iv. Denigrating
 - b. Sent and/or received inappropriate messages, the contents of which were racist
 - c. Sent and/or received inappropriate messages about Individual A, a parent of a child at the School, in which he stated:
 - i. 'she is now the top of the cunt list';
 - ii. 'I feel so sorry for her husband. Having to put his meat in that cunt. I'd argue it's worse than prison'
 - d. Sent and/or received inappropriate messages about his students in which he stated:
 - i. '[REDACTED], [REDACTED], [REDACTED] is a douche. [REDACTED] is annoying, [REDACTED] a bit wet';
 - ii. '[REDACTED] is a c word haha';
 - iii. 'He's a drip';
 - iv. 'does she expect me to stand next to her deformed kid 24-7'
 - v. 'if your kids fat, has a shit on her feet, wtf do you expect me to do'
2. His conduct as may be found proven at allegation 1(a)(i) above was of a sexual nature.

Mr Austin admitted allegations 1(a), 1(b), 1(c), 1(d), and denied allegation 2 in his response to the allegations. This was confirmed by Mr Austin and his representative at the start of the hearing.

Mr Austin admitted that, to the extent of the admitted allegations, those amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application to amend allegations

At the start of the hearing, the panel invited submissions from the parties in respect of the stem of allegation 1. Subsequently, the presenting officer made an application to amend the stem of allegation 1 from: “You were a member of a WhatsApp group chat alongside 3 of your colleagues in which you...” to “You were a member of WhatsApp chats alongside one or more of your colleagues in which you...”

Mr Austin’s representative on behalf of Mr Austin did not object to the application.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the ‘2020 Procedures’).

The panel considered that the proposed amendment would not change the nature and scope of allegation 1. The proposed amendment sought to clarify the case against Mr Austin, which was understood by the parties as relating to WhatsApp messages sent and received. As such, the panel considered that the proposed amendment did not amount to a material change to allegation 1.

The legal adviser drew the panel’s attention to the case of *Dr Bashir Ahmedsowida v General Medical Council* [2021] EWHC 3466 (Admin), 2021 WL 06064095 which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree* [2017] EWCA Civ 319 at [56].

The panel did not consider that granting the application for the proposed amendment would cause unfairness and/or prejudice to Mr Austin on the basis that: Mr Austin had at all material times been aware of the case he had to answer; the proposed amendment did not materially change allegation 1; and Mr Austin had been informed of the proposed amendment and did not object to the same.

Accordingly, the panel granted this application and considered the amended allegations, which are as set out above.

Application to admit additional documents as late evidence

The panel considered an application from the presenting officer for the admission of additional documents as late evidence.

The presenting officer's documents were the evidence in the form of transcripts of 2 other teachers' hearings consisting of cross-examination, examination in chief and panel questions from separate regulatory proceedings.

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

The panel heard representations from the teacher's representative in respect of the application and noted that the teacher's representative objected to this application on the basis of their late admission and that it would not be in the interests of fairness to Mr Austin to admit these documents at this late stage in proceedings.

The panel noted that a previous decision had been made at a case management hearing for Mr Austin's TRA case not to be joined with the TRA cases of 2 other teachers. The panel also considered whether it would be prejudicial to Mr Austin to admit this evidence without the 2 other teachers present at this hearing to be cross-examined on the evidence.

The panel considered that the additional documents were not sufficiently relevant and that it would not be in the interests of fairness to proceedings to admit these documents.

Application to clarify the legislation relied upon in respect of allegation 2, namely whether the TRA was relying on Section 78 of the Sexual Offences Act 2003 ("the Act")

An application was made by the teacher's representative on behalf of Mr Austin seeking clarification from the TRA as to whether it intended to rely upon Section 78 of the Act in respect of allegation 2 and, in particular, the use of the term "sexual nature." Mr Austin's representative asked the panel to give consideration to the Act and the associated parliamentary explanatory note as part of deliberations.

The panel considered the representations made by Mr Austin's representative in this regard which was that there should not be duplication of allegations given that sexual nature referred to in respect of allegation 2 would then go beyond the term sexual objectification referred to in allegation 1(a)(i). The teacher's representative stated that this

was a duplication of the allegations because of the use of the two different terms (sexual nature and sexual objectification).

The panel considered the representations made on behalf of the TRA which was that it is a matter for the panel to hear the evidence and the legal advice, including any advice on the use of Section 78 of the Act in respect of the allegations, and consider this alongside their professional expertise. The representative on behalf of the TRA stated that this was a matter for the panel's deliberations when determining the allegations.

The panel was referred to the case of *Sait v The General Medical Council* [2018] EWHC 3160 (Admin) in respect of what may constitute conduct of a sexual nature.

The panel considered that it was a matter for them to consider how much weight to attach to the definition of sexual within Section 78 of the Act and the associated parliamentary explanatory note in light of the evidence at the hearing and the evidence and submissions of Mr Austin. The panel also considered that Mr Austin was fully aware of the allegations before him and that there would therefore be no need to provide further clarification in this regard.

The panel considered that it was not for it to constrain either party with regard to the submissions it wishes to make. The panel's view was that it was for the TRA to present its case and Mr Austin would have an opportunity to respond as part of the proceedings. Both parties would be able to address the panel on allegation 2 in closing submissions and the panel would consider both the Act and explanatory note as part of its deliberations.

The panel found that there was therefore no need for the TRA to clarify the legislation relied upon in respect of allegation 2 at this stage and that this would be dealt with as part of the normal course of the hearing.

Application for part of the hearing to be heard in private

During Mr Austin's cross-examination, the panel considered an application from the teacher's representative for part of the hearing - [REDACTED] - to be heard in private.

The presenting officer did not have an objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that there was no contrary public interest in those areas being discussed in public. The substantive part of the hearing was still being held in public and

these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case.

The panel therefore granted the application and heard part of the hearing in private accordingly.

Summary of evidence

Documents

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

- Section 1: Notice of hearing and response – pages 5 to 17
- Section 2: TRA witness statements – pages 18 to 424
- Section 4: TRA documents – pages 425 to 498
- Section 5: Teacher documents – pages 499 to 576.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and that it would consider the documentation relevant to the Act as part of its deliberations.

Witnesses

The TRA did not call any witnesses to give evidence at the hearing.

The panel heard oral evidence from Mr Austin.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 24 March 2021, the Metropolitan police released a series of extraction reports to the Local Authority Designated Officer (LADO) highlighting some WhatsApp messages that had been extracted from Mr Austin's mobile phone.

Mr Austin had allegedly been a member of WhatsApp chats alongside one or more of his colleagues between July 2019 and February 2020 in which he exchanged messages that were alleged to be inappropriate.

On 1 April 2021, Mr Austin was suspended from [REDACTED] ('the School').

On 24 May 2021, Mr Austin resigned from the School.

On 16 September 2021, the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

1. You were a member of WhatsApp chats alongside one or more of your colleagues in which you:

a. Sent and/or received inappropriate messages which discussed your female colleagues in a way which was:

i. Sexually objectifying;

At the hearing, Mr Austin admitted allegation 1(a)(i). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages. The panel noted that Mr Austin was in WhatsApp chats with one or more of his colleagues, and noted the following messages in particular:

- Page 165 - Mr Austin sending a message to one or more of his colleagues "I nearly got caught by [REDACTED] looking at [REDACTED] boobs today haha".
- Page 276 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating "Cracking ass too".
- Page 278 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating "How long I stay depends on if she goes and what she's wearing".
- Page 195 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating "[REDACTED] is fuck buddy material".
- Page 287 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating "Ideal 3some".
- Page 107 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating "that rack alone makes her top 2 material".
- Page 190 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating "Tag her right on the boob"...and Page 191 "With our cocks".

- Page 83 - Mr Austin receiving a message from one of his colleagues about a female colleague saying “imagine tagging her in the boob”.

Mr Austin was asked in his oral evidence about “tagging”. He confirmed that the word “tag” referenced a “game” played by some members of staff at the School which involved touching another person and that the male colleagues in the WhatsApp chat started this and continued to play it. Mr Austin stated that some of the references to this in the messages did refer to touching women with their penises in a tag game scenario but that this had not actually ever happened in “actual reality”. Mr Austin accepted that he had both sent and received messages which sexually objectified his female colleagues and which were “massively” inappropriate. Mr Austin stated that he was “embarrassed by it and feels stupid for objectifying whoever it was at the time”.

Mr Austin acknowledged that his actions amounted to sexually objectifying his female colleagues. He understood this to mean treating them as sexual objects and “mere bodies”. Mr Austin acknowledged that everything of that nature was objectifying and that this was “idiocy”.

The panel therefore found allegation 1(a)(i) proven.

ii. Homophobic

At the hearing Mr Austin admitted allegation 1(a)(ii). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages. The panel noted that Mr Austin was in WhatsApp chats with one or more of his colleagues, and noted the following messages, in particular:

- Page 243 and 251 – Mr Austin sending messages to one or more of his colleagues about a female colleague stating “Deffo a carpet muncher” and “carpet munching slut”.
- Page 353 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “...the skin head carpet muncher”.
- Page 242 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “She looks like a bloke”.
- Page 355 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “You’ll still have the non binary” and again on Page 356 asking “How’s the non binary”.

- Page 252 – Mr Austin responding to a message from a colleague about a female colleague asking “What’s she look like?” saying “[REDACTED] with carpet burn on her mouth”.
- Page 256 – Mr Austin receiving a message from a colleague about a female colleague stating “She ain’t got any bfs because she’s lesbo”.

Mr Austin accepted that this was homophobic and that there were homophobic messages both sent and received between him and one or more of his colleagues about female colleagues, which were inappropriate. Mr Austin stated that this was “completely unacceptable”. Mr Austin accepted and acknowledged that he had used inappropriate homophobic terms to describe female colleagues on at least 3 occasions.

The panel therefore found allegation 1(a)(ii) proven.

iii. Misogynistic

At the hearing Mr Austin admitted allegation 1(a)(iii). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages. The panel noted that Mr Austin was in WhatsApp chats with one or more of his colleagues, and noted the following messages, in particular:

- Page 52 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating “Go tell the cunt next door to fuck off,” Page 55 stating “cunt” and Page 85 “don’t get me started on that cunt”.
- Page 59 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “Someone’s gunna have to take one for the team and donkey punch her”.
- Page 175 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating “She’s on the cunt list”.
- Page 91 - Mr Austin receiving a message from a colleague about a female colleague stating “so Curt you’ll need to decunt [REDACTED]”.

Mr Austin accepted that this was misogynistic and that there were misogynistic messages both sent and received between him and one or more of his colleagues about female colleagues which were inappropriate. Mr Austin acknowledged and accepted that referring to female colleagues as “cunts” and being on “the cunt list” was a negative and misogynistic way to talk about female colleagues but that he did not mean this to be aggressive or with any malice. However, the panel noted that there were also

discussions about giving a female colleague a “donkey punch” which Mr Austin accepted was completely misogynistic.

The panel therefore found allegation 1(a)(iii) proven.

iv. Denigrating

At the hearing Mr Austin admitted allegation 1(a)(iv). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages. The panel noted that Mr Austin was in WhatsApp chats with one or more of his colleagues, and noted the following messages, in particular:

- Page 83 - Mr Austin sending a message responding stating “Then she goes from a kinky slut to a centre back in 0.01 seconds.”
- Page 175 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating “She’s on the cunt list”.
- Page 148 - Mr Austin describing a female colleague as “Hitler”.
- Page 242 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “The goats fitter” and “She looks like a bloke”.
- Page 205 – Mr Austin sending a message to one of his colleagues about female colleagues stating “Most of them are missionary bores I reckon”.
- Page 203 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “She’d 100% be the dirtiest shag”.
- Page 213 and Page 233 – Mr Austin sending a message to one or more of his colleagues about eight of their female colleagues stating that their sexual positions would be e.g. “[REDACTED] – missionary 100%” and “[REDACTED] likes anal”.
- Page 116 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating “Reckon she’d top [REDACTED] on the dirty scale”.
- Page 122 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating “Hopefully she comes bowling and it falls on a braless day”.
- Page 180 – Mr Austin receiving a message from a colleague about a female colleague stating “I think she tops [REDACTED] on the cunt list”.

Mr Austin accepted that this was denigrating and that there were denigrating messages both sent and received between him and one or more of his colleagues about female colleagues which were inappropriate. Mr Austin acknowledged and accepted that sending messages of this nature was denigrating. Mr Austin agreed that this could be seen as denigrating by anyone who saw these messages and that he was embarrassed by the content of the messages.

The panel therefore found allegation 1(a)(iv) proven.

b. Sent and/or received inappropriate messages, the contents of which were racist

At the hearing Mr Austin admitted allegation 1(b). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages, and noted the following, in particular:

- Page 35 – Mr Austin sending an inappropriate racist message stating “I went full ghetto first time...hold on, niggas meet at mine now, some cunts trying to get in”.
- Page 331 – Mr Austin sending an inappropriate racist “joke” relating to a “black guy” and a “parrot” and stating “in the jungle, there’s millions of them”.
- Page 333 – Mr Austin sending an inappropriate racist “joke” which was as follows:
“What do you call a black man flying a plane?...A pilot you fucking racist”.
- Page 359 – Mr Austin sending an inappropriate racist “joke” relating to “two beggars in London” and then referring to one of them having a sign saying they only needed “another £10 to move back to Pakistan”.

Mr Austin accepted that there was racist language in the messages and that this was inappropriate. Mr Austin stated with reference to the racist messages provided in the bundle that it was “the most embarrassing of all [his] life” and the “most embarrassing thing that has ever happened to [him] knowing that you have all read these”. Mr Austin acknowledged that it would be highly embarrassing for these messages to be viewed by the public. Mr Austin accepted that this was serious and that the messages were highly inappropriate and that he would assume that an independent observer would find the content highly offensive.

The panel noted that Mr Austin could not recall where he obtained the racist material from but believed it could have been forwarded on from someone separately or that he saw it somewhere else online. Mr Austin said that he “stupidly” shared this with his

colleagues. The panel also noted that it was Mr Austin who was the instigator of the racist content in the WhatsApp chats and who shared the racist “jokes”.

On examination of the evidence before it, the panel was satisfied that Mr Austin sent inappropriate messages with racist content. The panel considered that the messages referred to above were racist in nature because they clearly evidenced prejudice against particular racial or ethnic groups.

The panel therefore found allegation 1(b) proven.

c. Sent and/or received inappropriate messages about Individual A, a parent of a child at the School, in which you stated:

- i. ‘she is now the top of the cunt list’;**
- ii. ‘I feel so sorry for her husband. Having to put his meat in that cunt. I’d argue it’s worse than prison’**

At the hearing Mr Austin admitted allegation 1(c). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages containing the comments in the allegation about Individual A who was a parent at the School. In particular, the panel considered Pages 306 and 311 to 312. The panel noted that these messages were sent by Mr Austin and that the inappropriate conversation continued through to Page 314 within which Mr Austin mentioned that he “Might be in court...for RKO’ing her...Then drowning her in the pool”.

The panel noted that in Mr Austin’s oral evidence he accepted that it was wholly inappropriate to have discussed parents in the way that he had in these messages. Mr Austin stated that he would never have handled any difficult situation face-to-face in the manner suggested in his messages and that this was not a reflection of what happened in reality. However, Mr Austin recognised that these messages were inappropriate and stated that he realised that he had been a “complete idiot” and that this was “pure stupidity” with friends at the time.

The panel therefore found allegations 1(c)(i) and 1(c)(ii) proven.

d. Sent and/or received inappropriate messages about your students in which you stated:

- i. ‘[REDACTED], [REDACTED], [REDACTED] is a douche. [REDACTED] is annoying, [REDACTED] a bit wet’;**
- ii. ‘[REDACTED] is a c word haha’;**

- iii. **'He's a drip';**
- iv. **'does she expect me to stand next to her deformed kid 24-7'**
- v. **'if your kids fat, has a shit on her feet, wtf do you expect me to do'**

At the hearing Mr Austin admitted allegation 1(d). Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel was provided with copies of the WhatsApp messages containing the comments in the allegation about Mr Austin's students at the School. In particular, the panel considered Pages 138, 142, 308 and 310. The panel noted that Mr Austin had sent these messages about his students. The panel also noted that Mr Austin had described students as "All pretty thick in their own ways" in a WhatsApp message on Page 140. Mr Austin had also referred to a student as "retarded" in a WhatsApp message which he sent to colleagues on Page 323.

The panel noted that in Mr Austin's oral evidence he accepted having sent these messages and that they were highly offensive and "wholeheartedly wrong". Mr Austin also acknowledged that the public do not expect teachers to behave like that and that any parents reading these would be highly offended.

The panel found allegation 1(d) proven.

2. Your conduct as may be found proven at allegation 1(a)(i) above was of a sexual nature.

The panel noted that Mr Austin denied this allegation despite having admitted that the messages were sexually objectifying.

The panel was referred by the presenting officer to the definition of "sexual" as provided in Section 78 of the Sexual Offences Act 2003 ('the Act') and the parliamentary explanatory note. The panel noted the definition of "sexual" which states as follows:

"For the purposes of this Part (except section 71), 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 presenting officer further submitted that, notwithstanding Section 78 of the Act and the parliamentary explanatory note, the panel was able to make a determination as to whether Mr Austin's conduct at allegation 1(a)(i) was conduct of a sexual nature by drawing on its own knowledge and experience.

Mr Austin's representative disputed that the definition within Section 78 of the Act was an appropriate definition in this case and submitted that the words "...any other activity..." must be referring to the offences in Part 1 of the Act. Mr Austin's representative submitted that none of those offences correlated with the activity undertaken by Mr Austin.

Mr Austin's representative further submitted that the definition of "sexual" under the Act should only be relied upon in serious cases to establish sexual motivation where the conduct is compatible with an offence in Part 1 of the Act. Mr Austin's representative confirmed that Mr Austin accepted there was sexually objectifying content to the messages but submitted that the messages were not criminal in nature nor was it comparable to the offences in Part 1 of the Act. However, the presenting officer confirmed that there was no allegation that a criminal offence had been committed or that Mr Austin's actions were sexually motivated.

The panel also heard the following representations from Mr Austin's representative:

- That allegation 2 was duplication of allegation 1(a)(i) (which Mr Austin had already admitted in respect of allegation 1(a)(i)).
- That, if the panel did not consider these allegations to be duplication, allegation 2 would not add anything further to the TRA's case against Mr Austin because the use of "sexual" in allegation 1(a)(i) had already been admitted by Mr Austin.

The panel was invited by Mr Austin's representative to find allegation 2 not proved.

The panel noted that, in Mr Austin's oral evidence, he accepted that there were sexually objectifying messages about female colleagues. However, he denied that the comments were of a sexual nature. Mr Austin referred to the definition of sexual objectification on Page 416 of the bundle but stated that he did not believe the messages were of a sexual nature because he had no desire to act on them. The panel noted that Mr Austin did however acknowledge that these messages were "stupid" and "immature".

The panel considered Mr Austin's conduct as found proven at allegation 1(a)(i) which involved sending and receiving inappropriate messages about female colleagues and which the panel found to be sexually objectifying. As noted above, the panel was provided with copies of the messages Mr Austin sent and received. It noted, in particular, the messages as stated at allegation 1(a)(i) above.

The panel also considered the following WhatsApp messages in the bundle:

- Page 290 to 291 – Mr Austin sending a message to one or more of his colleagues about a female colleague stating "She'd get it" and "Pound the shit out of her" and "Put her in a wheelchair" and "[REDACTED] needs a pounding tbh".

- Page 199 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating “she’d make a decent porn hub vid”.
- Page 207 - Mr Austin sending a message to one or more of his colleagues about a female colleague stating “She’d be riding the cock trying to finger your ass whilst sipping on the booze”.

The panel considered the submissions by the parties and had particular regard to the submissions it heard in respect of the Act. In light of the submissions it heard, the panel did not consider the definition of “sexual” within the Act to be relevant. Instead, the panel drew on its own knowledge and experience and reached its decision based on any reasonable person’s interpretation of conduct that may be of a sexual nature. On the basis that the panel was able to make a decision based on its own knowledge and experience, it did not consider it was appropriate to dismiss allegation 2 in accordance with the submissions it heard from Mr Austin’s representative.

The panel noted that the WhatsApp messages used inherently sexual language, referred explicitly to sexual acts and described the touching of intimate body parts of female colleagues. The panel concluded that Mr Austin’s conduct at allegation 1(a)(i) was conduct of a sexual nature; the messages Mr Austin sent and received were, by their very nature, explicitly sexual and contained graphic sexual comments about Mr Austin’s female colleagues. In the panel’s view, the messages spoke for themselves and, based on its own knowledge and experience, the panel was satisfied that they were sexual in nature. The panel considered that the messages Mr Austin sent and received, including the comments referred to above would, in the view of any reasonable person, be deemed sexual in nature given their content.

The panel also considered the messages relating to touching female colleagues with his penis as part of a game of tag and, whilst there was no suggestion that Mr Austin had acted or intended to act on these comments, they were inherently sexual in nature. Similarly, the panel considered that the messages discussing female colleagues and their sexual positions, referred specifically to sexual encounters and to being involved in pornographic scenarios.

The panel concluded that Mr Austin’s conduct at allegation 1(a)(i) was of a sexual nature, and therefore found allegation 2 proven.

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

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

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

The panel was satisfied that the conduct of Mr Austin, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Austin 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 noted that Mr Austin admitted that his conduct in respect of allegation 1 amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute and that the panel had found allegation 1 and allegation 2 proved although Mr Austin had denied allegation 2.

The panel considered whether the allegations had taken place outside the education setting. However, the panel found that the conduct was intrinsically linked to Mr Austin’s role as a teacher at the School and, as such, intrinsically linked to the education setting. Mr Austin was a member of WhatsApp chats with male colleagues at the School, within which he sent and received inappropriate messages about a number of female colleagues, a parent and students at the School.

The panel also noted that there were occasions where Mr Austin’s messages were clearly relevant to events inside the education setting and/or were exchanged during school times. In particular the panel noted the sexually objectifying and denigrating discussion about the School [REDACTED] at Page 114 onwards of the bundle and the inappropriate discussion about female colleagues on a staff night out. On this basis the panel concluded that the misconduct took place within the education setting.

The panel was satisfied that the conduct of Mr Austin amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The highly offensive way in which Mr Austin communicated about his female colleagues

at the School was a significant factor in the panel reaching its decision. The panel was also particularly concerned about the disrespectful language Mr Austin used to refer to his students and a parent of a student.

The panel also considered whether Mr Austin's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that "intolerance and/or hatred on the grounds of race, religion, sexual orientation or any of the other protected characteristics" was relevant. The Advice indicates that where behaviours associated with any of the offence types listed on pages 12 and 13 exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct. This finding was made on the basis that the panel found that Mr Austin had sent and received inappropriate messages which discussed his female colleagues in ways which was sexually objectifying, misogynistic and denigrating and, in the panel's view, this conduct and the content of the messages, indicated an intolerance towards members of the female sex. The panel noted that 'sex' is a protected characteristic under Section 4 of Equality Act 2010. The panel also noted that there were homophobic and racist messages sent by Mr Austin.

The panel also considered the fact that Mr Austin was clearly aware throughout, including early on in the message exchanges that the messages were inappropriate and that they could be viewed as "perverts" in discussing female colleagues in a sexual manner. The panel saw WhatsApp messages on Pages 343 and 344 within which Mr Austin stated that, if anyone saw them "...chat shit like this about them all" this would likely result in them being "sacked on the spot". Mr Austin was therefore aware that the messages were inappropriate.

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

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

The 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 considered that the public would be particularly concerned at the conduct of a teacher referring to his pupils and a parent of one of the pupils in such offensive terms.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d) and 2 proved, the panel further found that Mr Austin's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; 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 Austin, which involved sending and receiving inappropriate messages which discussed his female colleagues in a way which was sexually objectifying and of a sexual nature, homophobic, misogynistic and denigrating; sending messages in which the contents were racist; sending and receiving inappropriate messages about Individual A, a parent at the School, and sending and receiving inappropriate messages about students, there was a strong public interest consideration in the maintenance of public confidence in the profession.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Austin was outside that which could reasonably be tolerated.

Although the panel noted that no doubt had been cast upon Mr Austin's abilities as an educator, the panel did not consider that there was any evidence of there being a strong public interest consideration in retaining the teacher 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 recommend a prohibition order, taking into account the effect that this would have on Mr Austin. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Austin. 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; and
- a deep-seated attitude that leads to harmful behaviour.

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

There was no evidence to suggest that Mr Austin's actions were not deliberate.

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

The panel considered the statement of Mr Austin, who stated that during 2019 [REDACTED].

Mr Austin submitted that he had a trainee student which added stress to his work life, alongside the stress he was experiencing in his personal life.

Mr Austin submitted that he had never been a big talker when it came to emotions and had always tried to close himself off from the outside world. He stated that he never knew how to express his emotions, fear and sadness, aside from internally locking them away. He stated that all of these factors started to consume him and so he turned to his close friends at work as a distraction from the "horrible realities" that were happening in his life.

Mr Austin stated that he and his male colleagues had grown closer over the years and started to talk more outside of work. He stated that no messages were sent during school hours, and that speaking for himself he was “immature, stupid and highly idiotic”. Mr Austin submitted that he personally used the forum as a way to distract himself from reality.

Mr Austin acknowledged that the messages were inappropriate but stated that by no means were they a true reflection of his beliefs or a true representation of him as a man, a father, a husband or as a teacher. He stated that none of the messages sent were to cause harm or malice to anyone, and that he and his family are embarrassed by the messages, and he cannot apologise enough. Mr Austin stated that by no means does he have any excuses for the messages; he is extremely embarrassed by his actions and behaviour during this time. He stated that he has taken every possible option available to support his own growth, to reflect and gain new insights, which can hopefully be seen from his time with a subsequent employer, his voluntary work [REDACTED].

Although Mr Austin demonstrated a level of remorse for his actions, the panel was of the view that the main focus for him was on his embarrassment about the messages rather than there being any genuine remorse for the impact or potential impact this may have had on others.

Mr Austin stated that from 2020 to 2022 he received multiple forms of [REDACTED] through his union, the NHS and the School. He stated that this led him to realise that he needed to talk about his emotions in a mature and positive manner. Mr Austin stated that he now has a close-knit circle of friends, and they support each other.

Mr Austin submitted that he has worked extremely hard to improve and grow as an individual, and since the time of the allegations he had taught for 14 months. He stated that he secured a year 5 teaching role at another school and was then offered additional responsibility.

Mr Austin stated that he is proud of the impact he made as a teacher, in that he had additional responsibilities at 3 schools he worked at, he was offered an assistant head role at 2 of them, he was a mentor to trainees and created Basildon’s first girls’ football league for which he was credited in the local paper.

The panel was provided with evidence to attest to Mr Austin’s experience and ability as a teacher.

Mr Austin provided a number of written character references, and the panel noted the following comments in particular:

- Individual A [REDACTED]

- “As a professional, he is one of the most dedicated, outgoing and caring teachers I have ever had the joy of working with. The pupils and their needs are always at the forefront of his thinking and they view him as a positive role model”
- “As a mentor (in my apprenticeship through my degree and teacher training), he offered me endless amounts of support and advice that has developed me into the teacher I am today. His guidance and support throughout the last 7 years has been invaluable and I believe he would offer that to anyone who asked for it.”
- Individual B [REDACTED]
 - “Curtis has also worked for [us] over the summer, running and leading one of our summer camps, camp epic. He was nothing short of professional from start to finish.”
- Individual C [REDACTED]
 - “Curt has conducted himself professionally in-line with the teaching standards.”
 - “Curt has developed professional relationships with his team and other staff throughout the Academy and across the Trust.”
 - “There have been no concerns raised regarding Curt’s professionalism and there have been no concerns related to safeguarding.”
- Individual D [REDACTED]
 - “Curt Austin taught my daughter in...primary school, he was her favourite teacher, and still is to this date. She often speaks about how he helped her with all the things she was struggling with in her lessons and this gave her back a lot of confidence that she had lost.”
- Individual E [REDACTED]
 - “Throughout working with Curt, he displayed true professionalism in his practice and quickly became a mentor for me and someone to look to for guidance and help.”
 - “Curt always led by example and made sure that all children in his class and around the school felt included and had equal opportunities to take part.”

- “He helped me a lot to progress in my career and always had time to talk about any problems or questions I had involving my role and supported me during my apprenticeship.”
- Individual F [REDACTED]
 - “During my training period, Curt was able to share many teaching points that I use in my teaching today.”
 - “Curt is a very patient person, he was extremely hard working – in school early to prepare for the day, and knowledgeable of the children’s work and targets.”

The panel also noted the thank you cards within the bundle addressed to Mr Austin from former students and parents, in addition to the newspaper extract about the girls’ football league. The panel noted that not all of the references were dated and it was unclear to what extent the referees were aware of the detail of the allegations against Mr Austin.

At the hearing, the panel was also provided with an 8-page document containing certificates of training courses which Mr Austin had attended online. However, the panel noted that these were all areas in which Mr Austin had already received training in advance of the events leading up to the hearing and that these were either mandatory or available through his employer.

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 Austin 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 Austin. Mr Austin’s lack of insight regarding his conduct was a significant factor in forming that opinion. The panel was of the view that there was little evidence that Mr Austin recognised that these were, in reality, damaging conversations. Whilst the panel recognised that Mr Austin had undertaken some online learning courses, there was limited evidence as to how he would apply this learning in the future. 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 behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these behaviours to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics. The panel found that Mr Austin was responsible for sending and receiving inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; sending messages in which the contents were racist; and sending and receiving inappropriate messages about students.

The panel noted that Mr Austin had introduced some of the most inappropriate content to the group messages which was indicative of a deep-seated harmful attitude. The panel was of the view that, given Mr Austin's very limited insight into his misconduct, a review period of 3 years would provide an appropriate period of time for Mr Austin to be able to demonstrate an understanding of and compliance with the Teachers' Standards. The panel considered that this period of time would enable Mr Austin to develop a sufficient level of insight into his actions and the impact on the wider community, and to seek to develop the ability to challenge any inappropriate behaviour in the future. Further, given Mr Austin's limited insight, the panel could not be satisfied that there was no risk of repetition. The panel noted that Mr Austin had focussed more on how embarrassed he was about the messages rather than on the potentially damaging impact that such attitudes can have.

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 a prohibition order to be recommended with provisions for a review period of 3 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Curtis Austin should be the subject of a prohibition order, with a review period of 3 years.

In particular, the panel has found that Mr Austin 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 finds that the conduct of Mr Austin fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sending and/or receiving inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; sending and/or receiving inappropriate messages with racist content; and sending and/or receiving inappropriate messages about students and the parent of a pupil. The panel also found that Mr Austin's conduct at allegation 1(a)(i) was conduct of a sexual nature.

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 Austin, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that “the conduct was intrinsically linked to Mr Austin’s role as a teacher at the School and, as such, intrinsically linked to the education setting. Mr Austin was a member of WhatsApp chats with male colleagues at the School, within which he sent and received inappropriate messages about a number of female colleagues, a parent and students at the School.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on remorse, which the panel has set out as follows:

“Although Mr Austin demonstrated a level of remorse for his actions, the panel was of the view that the main focus for him was on his embarrassment about the messages rather than there being any genuine remorse for the impact or potential impact this may have had on others.”

The panel has also commented on Mr Austin’s lack of insight and said that “there was little evidence that Mr Austin recognised that these were, in reality, damaging conversations. Whilst the panel recognised that Mr Austin had undertaken some online learning courses, there was limited evidence as to how he would apply this learning in the future.”

In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed:

“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 considered that the public would be particularly concerned at the conduct of a teacher referring to his pupils and a parent of one of the pupils in such offensive terms.”

I am particularly mindful of the finding of sending and/or receiving inappropriate and offensive messages about colleagues, students and the parent of 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 Austin himself. The panel has commented that it “was provided with evidence to attest to Mr Austin’s experience and ability as a teacher.” The panel noted a number of positive character references from colleagues and others, including one from a former colleague which said:

“As a professional, he is one of the most dedicated, outgoing and caring teachers I have ever had the joy of working with. The pupils and their needs are always at the forefront of his thinking and they view him as a positive role model”.

However the panel noted that “not all of the references were dated and it was unclear to what extent the referees were aware of the detail of the allegations against Mr Austin.”

A prohibition order would prevent Mr Austin 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 full insight or remorse. The panel has said that Mr Austin’s lack of insight was a significant factor in forming its opinion that prohibition was both proportionate and appropriate.

I have given less weight in my consideration of sanction, therefore, to the contribution that Mr Austin 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 insight and remorse 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 3-year review period.

I have considered the panel’s comments:

“The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these

behaviours includes intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics. The panel found that Mr Austin was responsible for sending and receiving inappropriate messages which discussed his female colleagues in a way which was sexually objectifying, homophobic, misogynistic and denigrating; sending messages in which the contents were racist; and sending and receiving inappropriate messages about students.

“The panel noted that Mr Austin had introduced some of the most inappropriate content to the group messages which was indicative of a deep-seated harmful attitude. The panel was of the view that, given Mr Austin’s very limited insight into his misconduct, a review period of 3 years would provide an appropriate period of time for Mr Austin to be able to demonstrate an understanding of and compliance with the Teachers’ Standards. The panel considered that this period of time would enable Mr Austin to develop a sufficient level of insight into his actions and the impact on the wider community, and to seek to develop the ability to challenge any inappropriate behaviour in the future. Further, given Mr Austin’s limited insight, the panel could not be satisfied that there was no risk of repetition. The panel noted that Mr Austin had focussed more on how embarrassed he was about the messages rather than on the potentially damaging impact that such attitudes can have.”

I have considered whether a 3-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 allowing a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found proven, the lack of full insight and remorse, and the risk of repetition.

I consider therefore that a 3-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Curtis Austin 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 21 November 2027, 3 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 Austin remains prohibited from teaching indefinitely.

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

Mr Curtis Austin 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 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 21 November 2024

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