



Teaching
Regulation
Agency

Mr Stephen Atkinson: Professional conduct panel meeting outcome

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

December 2024

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

Teacher:	Mr Stephen Atkinson
Teacher ref number:	9953516
Teacher date of birth:	27 October 1976
TRA reference:	21372
Date of determination:	12 December 2024
Former employer:	St Teresa's School, Surrey

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 12 December 2024 by way of a virtual meeting, to consider the case of Mr Stephen Atkinson.

The panel members were Mr Nigel Shock (lay panellist – in the chair), Mrs Jane Brothwood (lay panellist) and Mrs Anne Davis (teacher panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Atkinson that the allegations be considered without a hearing. Mr Atkinson provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer of Kingsley Napley LLP, Mr Atkinson or any representative for Mr Atkinson.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 24 September 2024.

It was alleged that Mr Atkinson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at St Teresa's School:

1. Between May 2020 and October 2022, he acted in an inappropriate and/or unprofessional manner in relation to former Pupil A:
 - a) While former Pupil A was a pupil at the School as set out in Schedule A;
 - b) After former Pupil A had left the School as set out in Schedule B.
2. Between June 2017 and December 2021, he acted in an inappropriate and/or unprofessional manner in relation to former Pupil B, in that he:
 - a) Exchanged emails of a personal nature, while former Pupil B was a pupil at the School;
 - b) Arranged to meet up after former Pupil B had left the School and/or met up with former Pupil B at a café
3. His actions at paragraphs 1 and/or 2 were sexually motivated;
4. His conduct as set out within Schedule B was sexual in nature.

Schedule A

- i. Exchanged emails of a personal nature with former Pupil A;
- ii. Walked around the School grounds together with former Pupil A;
- iii. Stated in an email on or around 19 July 2022, to former Pupil A "you look radiant", or words to that effect;
- iv. Exchanged personal email addresses with former Pupil A.

Schedule B

- i. Arranged to meet up with former Pupil A and/or met up with former Pupil A on one or more occasions;
- ii. Hugged former Pupil A and/or touched her on and/or near the waist;

- iii. Asked former Pupil A “can I give you a kiss?” or words to that effect and when questioned by former Pupil A stated “no properly, on the lips” or words to that effect;
- iv. Kissed former Pupil A on the cheek

Mr Atkinson admitted the facts of allegations 1(a), 1(b), 2(a), 2(b), 3 and 4 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, falling short of the standards of behaviour expected of a teacher, as set out in the statement of agreed facts signed by Mr Atkinson on 6 September 2024.

Preliminary applications

There were no preliminary applications

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 4 to 6
- Section 2: Notice of proceedings and response to notice of referral – pages 7 to 23
- Section 3: Statement of agreed facts – pages 24 to 30
- Section 4: TRA documents – pages 31 to 997
- Section 5: Teacher documents – pages 998 to 1002
- Section 6: Notice of meeting – pages 1003 to 1005

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Atkinson on 6 September 2024, and subsequently signed by the presenting officer on 9 September 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Atkinson for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

On 1 September 2004, Mr Atkinson commenced employment at St Teresa's School ("the School").

From September 2010 to July 2017, former Pupil B attended the School. During this time Mr Atkinson allegedly exchanged emails of a personal nature with former Pupil B.

Mr Atkinson allegedly met former Pupil B in [REDACTED] in 2022.

From January 2017 to August 2022, former Pupil A attended the School. During this time Mr Atkinson allegedly exchanged emails of a personal nature with former Pupil A.

On 7 July 2022, Mr Atkinson allegedly provided former Pupil A with his personal email address.

On 19 July 2022, Mr Atkinson allegedly contacted former Pupil A on their personal email address and sent them an email stating "*you look radiant*".

On 3 October 2022, Parent A disclosed concerns regarding Mr Atkinson's communication with former Pupil A. Mr Atkinson was suspended on 4 October 2022.

The police were informed of the concerns on 5 October 2022. On 17 October 2022, the police informed the School that their investigation had been closed.

On 26 October 2022(*), Mr Atkinson allegedly picked up former Pupil A from their workplace, drove them to [REDACTED] and went for a walk. Former Pupil A alleges that Mr Atkinson hugged them, placed his hands on their waist and kissed them on the cheek. The panel noted that Mr Atkinson had admitted to placing his hands on former Pupil A's waist during one of their hugs.

On 22 December 2022, the matter was referred to the TRA.

(*) Although the panel noted that Mr Atkinson had admitted to this allegation having taken place in October 2022, the other documents within the bundle, including the School's investigation, indicated that this took place in September 2022.

Findings of fact

The findings of fact are as follows:

1. Between May 2020 and October 2022, you acted in an inappropriate and/or unprofessional manner in relation to former Pupil A:

- a) While former Pupil A was a pupil at the School as set out in Schedule A;**
- b) After former Pupil A had left the School as set out in Schedule B.**

The panel noted that Mr Atkinson admitted this allegation. Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel had sight of the emails between Mr Atkinson and former Pupil A and noted that the emails contained comments of a personal nature. The panel noted the following comments in particular:

On 19 May 2020:

- Mr Atkinson to former Pupil A *“Hi [former Pupil A] Just a quick message, I thought you’d like to know, we had [REDACTED]!! Everyone is doing fine but we are tired! More details soon”*
- Former Pupil A to Mr Atkinson: *“Oh my gosh Mr A congratulations!!!! Yay I was [REDACTED] [smiley face] I hope you feel a little less tired soon – although I’m sure you’re ecstatic. Awwww I don’t even know what to say I’m just smiling like a fool. I’d love to know when [REDACTED]! Ahhhhh I’m so happy for you Mr A!”*
- Mr Atkinson to former Pupil A: *“Its great to hear that you are so happy too! [2 smiley faces] Well I have a name and a photo too – she is called [Child D] and was [REDACTED]. More photos to come [smiley face] Speak to you soon – maybe a video chat on Friday?”*

On 17 July 2020:

- Mr Atkinson to former Pupil A: *“I hope you are having a great start to the summer hols. I am mainly messaging regarding your [REDACTED], but I thought it would be nice to say hello too! It was really nice to chat right at the end of term, lets try and do it more often next year! I’ve attached a few [Child E] and [Child D] photos that I thought you might like to see [smiley face].…”*

The panel noted that some of the emails were in relation to Mr Atkinson and former Pupil A *“meeting up”*. The panel noted the following email in particular:

- On 25 July 2022 from Mr Atkinson to former Pupil A: ... *“we might be able to meet up sooner! Other than this Saturday and every Monday + Friday I am completely free. So let me know when you are available.”*

The panel considered the School’s investigation report, that set out that Mr Atkinson said he walked with former Pupil A in areas that were visible to others. It is mentioned in the report that former Pupil A had said that they and Mr Atkinson would walk around the car park and the astroturf within the School grounds together.

The panel considered the email exchange between Mr Atkinson and former Pupil A on 19 July 2022 within which Mr Atkinson said *“You look radiant”* and *“you all look beautiful in your dresses...”* with reference to a prom photograph which former Pupil A sent Mr Atkinson. The panel also noted in this email exchange that former Pupil A sent Mr Atkinson their email address to stay in contact and offered to provide their telephone number or address.

The panel considered the notes from the investigation interview with former Pupil A, where Pupil A stated that they and Mr Atkinson exchanged personal email addresses.

The panel considered the email exchange between Mr Atkinson and former Pupil A on 19 July 2022 within which Mr Atkinson thanked former Pupil A for letting him know of *“dates [former Pupil A] can’t meet”* and that he would *“look at the calendar”*. The panel also noted that Mr Atkinson suggested visiting them at work in [REDACTED] and asked them what hours they worked there.

The investigation report set out that Mr Atkinson had requested a kiss from former Pupil A at [REDACTED] on 26 September 2022. The panel noted that Mr Atkinson admitted that, when asked by former Pupil A what sort of kiss, he said to them *“no properly, on the lips.”* The panel noted that both Mr Atkinson and former Pupil A admitted that he had kissed former Pupil A on the cheek.

The panel considered the notes from the investigation interview with Mr Atkinson, which set out that he had said he felt a connection with former Pupil A that was *“not romantic”* and he wanted to give them a kiss on the cheek and a hug. The report set out that Mr Atkinson stated that he had always been respectful of former Pupil A’s personal space and had asked if it was *“ok to give [REDACTED] a kiss goodbye”*.

Taking the above into account, the panel was satisfied that between May 2020 and October 2022, Mr Atkinson acted in an inappropriate and/or unprofessional manner in relation to Pupil A, both whilst [REDACTED] was a pupil (as set out in Schedule A) and after they had left (as set out in Schedule B).

The panel found allegations 1(a) and 1(b) proven.

2. Between June 2017 and December 2021, you acted in an inappropriate and/or unprofessional manner in relation to former Pupil B, in that you:

a) Exchanged emails of a personal nature, while former Pupil B was a pupil at the School;

The panel noted that Mr Atkinson admitted this allegation. Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel had sight of the emails between Mr Atkinson and former Pupil B and noted that the emails contained comments of a personal nature. The panel noted the following comments in particular:

16 June 2017

- Mr Atkinson to former Pupil B “...*We need to also get a date in the diary for tennis...?*” Also, former Pupil B saying “*Yes I think Tuesday 4 July would work for me re: tennis...*”
- Mr Atkinson and former Pupil B discussing Mr Atkinson’s “*favourite font.*”

9 July 2017

- Former Pupil B to Mr Atkinson saying “*I was sorting through (recent-ish) photos & I thought you might like a copy of some of these photos? So here you go...*”

30 October 2017

- Former Pupil B to Mr Atkinson discussing running and needing a “*running partner*” and enjoying all Mr Atkinson’s lessons [winking emoji].

The panel found the overall tone and content of the messages with Pupil B to be inappropriate and unprofessional in nature and found that Mr Atkinson had exchanged emails of a personal nature with Pupil B whilst [REDACTED] was a pupil at the School.

The panel found allegation 2(a) proven.

b) Arranged to meet up after former Pupil B had left the School and/or met up with former Pupil B at a café

The panel noted that Mr Atkinson admitted this allegation. Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel considered the notes from the investigation interview with former Pupil A, where Pupil A stated that, in December 2021, they bumped into Mr Atkinson having breakfast in a café with a former student.

The panel considered correspondence between Mr Atkinson and Pupil B on 16 October 2017:

- Mr Atkinson saying to former Pupil B *“I’m glad it made you smile…”* and *“Cheeky? Us? Never!”*
- *Mr Atkinson saying to former Pupil B “Yes, a catch up would be great [smiley face]”* and *“Hope we can catch up at some point.”*

The panel considered the email exchange between Mr Atkinson and former Pupil A on 19 July 2022 within which Mr Atkinson suggested meeting with them in a café and found that, on the balance of probabilities and in light of Mr Atkinson’s admission, he was more likely than not to have also met with former Pupil B at a café.

The panel found allegation 2(b) proven.

3. Your actions at paragraphs 1 and/or 2 were sexually motivated;

The panel noted that Mr Atkinson admitted this allegation. Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel’s attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that *“A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship”*.

The panel was also mindful of the Court of Appeal’s conclusion in *General Medical Council v Haris [2021] EWCA Civ 763*. The court found in that case that, *“In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves.”*

The panel considered whether there was a *“plausible innocent explanation”* for Mr Atkinson’s behaviour.

On this basis, the panel could not find a *“plausible innocent explanation”* for the conduct. The panel felt that the pattern of behaviour suggested an intent for sexually motivated contact and/or discussions of a sexual nature with Pupil A and found that this amounted to, on the balance of probabilities, conduct which was of a sexual nature and/or was sexually motivated.

The panel found allegation 3 proven.

4. Your conduct as set out within Schedule B was sexual in nature.

The panel noted that Mr Atkinson admitted this allegation. Notwithstanding this, the panel considered the evidence presented to it and made a determination.

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 panel noted that Mr Atkinson’s physical contact with former Pupil A was of a sexual nature, in that he had touched former Pupil A’s waist and kissed them on the cheek. Mr Atkinson admitted that his actions were sexual in nature.

The panel concluded that Mr Atkinson’s conduct as set out in Schedule B was of a sexual nature, and therefore found allegation 4 proven.

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

Having found 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 Atkinson in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Atkinson 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 was satisfied that the conduct of Mr Atkinson fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Atkinson's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

This was a case involving the following offences that the Advice states are likely to be considered a relevant offence. The panel found that the offence of sexual activity was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(a), 1(b), 2(a), 2(b), 3 and 4 based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

Accordingly, the panel was satisfied that Mr Atkinson was guilty of unacceptable professional conduct and that his actions in failing to maintain appropriate professional boundaries with pupils amounted to unacceptable professional conduct. The panel noted that Mr Atkinson admitted to having kissed Pupil A and to having exchanged inappropriate and unprofessional messages and to having exchanged personal email addresses with them.

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 they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of particulars 1(a), 1(b), 2(a), 2(b), 3 and 4 proved, the panel further found that Mr Atkinson'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/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a 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 Atkinson, which involved inappropriate and unprofessional communication and contact with pupils and former pupils some of which was sexual in nature, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of children and other members of the public.

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

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

The panel had no evidence that there was a strong public interest consideration in retaining the teacher in the profession, and although no doubt had been cast upon his abilities as an educator, there was no evidence as to his professional capabilities or to him having made or being able to make a valuable contribution to the profession.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Atkinson. 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 Atkinson. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the...well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

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

There was no evidence that Mr Atkinson's actions were not deliberate.

There was no evidence that Mr Atkinson was acting under extreme duress.

There was no evidence that Mr Atkinson demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel noted that there was no evidence of insight or remorse on the part of Mr Atkinson. Although the panel noted that Mr Atkinson had claimed to have suffered with

[REDACTED], the panel was provided with no evidence of this. Further, although Mr Atkinson commented on feeling embarrassed by his actions, he did not demonstrate any remorse or understanding into his actions or the impact that this had had or could have on pupils.

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.

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 Atkinson. Mr Atkinson's lack of insight and remorse into his actions and the impact on pupils was 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 to recommend that a review period of the order should be considered. 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. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr Atkinson was responsible for serious inappropriate and unprofessional sexual communications with more than one pupil/former pupil and noted the repetitive nature of his behaviour.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that sexual misconduct involving a child amounted to behaviour which was incompatible with being a teacher and therefore no review period was an appropriate measure.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the

circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

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

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

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

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

The findings of misconduct are particularly serious as they include a teacher engaging in inappropriate communication and contact with pupils and former pupils, some of which was sexual in nature.

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 Atkinson, 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 Atkinson, which involved inappropriate and unprofessional communication and contact with pupils and former pupils some of which was sexual in nature, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of children and other members of the public.”

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 it sets out as follows:

“The panel noted that there was no evidence of insight or remorse on the part of Mr Atkinson. Although the panel noted that Mr Atkinson had claimed to have suffered with [REDACTED], the panel was provided with no evidence of this. Further, although Mr Atkinson commented on feeling embarrassed by his actions, he did not demonstrate any remorse or understanding into his actions or the impact that this had had or could have on pupils.”

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

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel comments that: “The findings of misconduct were 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.” I am

particularly mindful of the finding of a teacher engaging in communications with pupils/former pupils that were sexually motivated in this case and the serious negative impact that such a finding is likely to 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 Atkinson himself. The panel notes that: “There was no evidence that Mr Atkinson demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.” The panel does not record having seen any evidence attesting to either Mr Atkinson’s abilities as an educator or his character.

A prohibition order would prevent Mr Atkinson 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 both the very serious nature of the misconduct found, as well as the lack of evidence that the teacher has developed either insight into or remorse for his actions.

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

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

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

In doing so, it has referred to the Advice as follows:

“The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr Atkinson was responsible for serious inappropriate and unprofessional sexual communications with more than one pupil/former pupil and noted the repetitive nature of his behaviour.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that sexual misconduct involving a child amounted to behaviour which was incompatible with being a teacher and therefore no review period was an appropriate measure.”

I have considered the panel’s concluding comments:

“The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.”

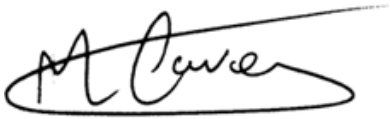
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that not allowing a review period is an appropriate and proportionate response to the misconduct it has found in order to achieve the aim of maintaining public confidence in the profession. These elements are serious nature of the misconduct found, which involved sexually motivated communications with pupils and former pupils, as well as the lack of evidence of either insight or remorse and the risk this presents of repetition.

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

This means that Mr Stephen Atkinson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Atkinson shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Atkinson 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 hand-drawn oval border.

Decision maker: Marc Cavey

Date: 16 December 2024

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