



Teaching
Regulation
Agency

Mr Alessio Pimpinelli: Professional conduct panel hearing outcome

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

September 2024

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

Teacher: Mr Alessio Pimpinelli
Teacher ref number: 2050509
Teacher date of birth: 24 October 1993
TRA reference: 20878
Date of determination: 11 September 2024
Former employer: The Judd School, Tonbridge

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 9 to 11 September 2024 by way of a virtual hearing, to consider the case of Mr Alessio Pimpinelli.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Karen Graham (teacher panellist) and Mrs Kristen Hughes (lay panellist).

The legal adviser to the panel was Miss Lara Small of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mr Pimpinelli was not present and was not represented.

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 proceedings dated 4 June 2024.

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

1. Between March 2022 and April 2022, he:
 - a) Added and/or accepted an invite for one or more pupil(s) on Snapchat;
 - b) Exchanged messages of an inappropriate and/or sexual nature with one or more pupil(s);
 - c) Met and/or arranged to meet one or more pupil(s) outside of the school grounds.
2. His conduct at paragraph 1(a) and/or 1(b) and/or 1(c) was sexually motivated.

Mr Pimpinelli admitted the particulars of allegation 1 and denied allegation 2, as set out in his written statement. Mr Pimpinelli did not admit that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Pimpinelli was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Pimpinelli.

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

The panel was satisfied that the Notice of Proceedings had been sent to Mr Pimpinelli in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel noted that Mr Pimpinelli had emailed the TRA on four separate occasions to confirm that he did not intend to attend the hearing. The panel concluded that Mr Pimpinelli's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Pimpinelli had not sought an adjournment of the hearing, and the panel did not consider that an adjournment would secure his attendance at a hearing. There was no medical evidence before the panel that Mr Pimpinelli was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

The panel therefore granted the application to proceed in the absence of Mr Pimpinelli.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Pimpinelli was neither present nor represented.

Consideration for part of the hearing to be heard in private

During the course of the presenting officer's opening submissions, the presenting officer raised the question to the panel as to whether part of the hearing – relating to Mr Pimpinelli's sexual orientation - should be heard in private.

The panel heard briefly from the presenting officer before reaching its decision. However, the presenting officer confirmed that he had no instructions from the TRA and/or Mr Pimpinelli to make an application.

Whilst the panel noted that Mr Pimpinelli's sexual orientation related to his private life, the panel considered it was contrary to the public interest for the parts of the hearing which related to Mr Pimpinelli's sexual orientation, to be heard in private. In particular, the panel noted Mr Pimpinelli had been very open about his sexual orientation in his written statement and it was of particular relevance to the allegations in this case. Further the panel noted that neither Mr Pimpinelli himself nor the TRA had brought this application.

The panel therefore decided the hearing would be heard wholly in public.

Application for Pupil B's evidence to be admitted as hearsay

During the course of the hearing, the presenting officer informed the panel that Pupil B had contacted the TRA a week prior to the hearing and had indicated a reluctance to attend to give evidence. Pupil B's non-attendance at the hearing was confirmed during the course of the first day of the hearing.

The presenting officer therefore made an application that the evidence of Pupil B be admitted as hearsay in the absence of his attendance as a witness.

The presenting officer informed the panel that the written application was sent by email to Mr Pimpinelli on 9 September 2024, so Mr Pimpinelli had notice of the application. No response was received from Mr Pimpinelli by the time the panel considered it on 10 September 2024.

After receiving submissions from the presenting officer and receiving legal advice (in particular the key principles set out in the case of *Thorneycroft v NMC [2014] EWHC 1565*), the panel made the following decision.

The panel carefully considered the submissions made in determining whether it would be fair to admit Pupil B's evidence as hearsay evidence.

The panel noted that the evidence of Pupil B was not the sole and decisive evidence in relation to the allegations. The other evidence relevant to the allegations included (but was not limited to): Witness A's oral evidence and witness statement; Pupil C's witness statement and evidence which the panel had admitted as hearsay; and the contemporaneous written accounts of Pupils D, E, F and G.

The panel considered the nature and extent of Mr Pimpinelli's challenge to Pupil B's evidence. The panel noted that Mr Pimpinelli had admitted the facts of allegations 1(a), 1(b) and 1(c) and that whilst Mr Pimpinelli challenged some elements of Pupil B's account, the panel could consider the documentary evidence in conjunction with Pupil B's and Mr Pimpinelli's accounts. The panel considered that there was no evidence to suggest that Pupil B had any reason to fabricate the allegations.

The panel considered that the reason for Pupil B's non-attendance at the hearing was a good and cogent reason and that the TRA had taken reasonable steps to secure Pupil B's attendance at the hearing.

Furthermore, the evidence was not such that the panel felt that it would be unable to test its reliability in the absence of the witness. The panel concluded that the balance of fairness was in favour of admitting the statement as hearsay evidence.

Therefore, the panel granted the application. Accordingly, Pupil B's evidence was admitted and considered in the panel's deliberations.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 5
- Section 2: Notice of proceedings and response to notice of hearing – pages 6 to 14
- Section 3: TRA witness statements – pages 15 to 25

- Section 4: TRA documents – pages 26 to 188
- Section 5: Teacher documents – pages 189 to 193.

In addition, in advance of the hearing, the panel received a separate bundle of documents (the “PIA Bundle”) relating to the application to proceed in the absence of the teacher, which extended to 35 pages in length.

The panel members confirmed that they had read all of the documents within the hearing bundle, and the PIA Bundle, in advance of the hearing.

In addition, the panel received the following documents from the presenting officer during the course of the hearing which they read and considered accordingly:

- Written application for Pupil B’s evidence to be admitted as hearsay, including 2 emails received from Pupil B’s teacher to the TRA.
- Presenting officer’s closing submissions statement.

Witnesses

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

- Witness A

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 17 November 2021, Mr Pimpinelli was engaged via an agency as a cover teacher at the Judd School (‘the School’).

On 29 April 2022, the School received an email from a member of staff alleging Mr Pimpinelli had been having inappropriate conversations with pupils [REDACTED].

On 30 April 2022, the School received an email from a [REDACTED] who raised that a student [REDACTED] at the School had alleged Mr Pimpinelli had been adding students on Snapchat and being quite flirtatious.

On 3 May 2022, the School received an email from another member of staff relaying that [REDACTED] students at the School had been discussing a cover teacher’s inappropriate behaviour with them.

On 3 May 2022, the School commenced an internal investigation into these allegations raised against Mr Pimpinelli, which involved interviewing 6 pupils.

On 4 May 2022, Mr Pimpinelli was suspended from the agency who employed him. The School thereafter no longer continued to engage Mr Pimpinelli's services as a cover teacher.

On 5 May 2022, the School's [REDACTED] made a referral to the LADO and Kent Police undertook a crime report on Mr Pimpinelli.

On 10 May 2022, Mr Pimpinelli was arrested for sexual grooming, abuse of position of trust of a sexual nature and of sexual communication with a child.

On 15 June 2022, a referral was made to the TRA.

In November 2022, Mr Pimpinelli was informed that Kent Police would be taking no further action.

Findings of fact

The findings of fact are as follows:

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

1. Between March 2022 and April 2022, you:

a) Added and/or accepted an invite for one or more pupil(s) on Snapchat;

The panel considered the oral evidence and witness statement of Witness A, who stated that on the evening of 29 April 2022, a [REDACTED] sent an email to the [REDACTED], setting out some concerns she had regarding Mr Pimpinelli. Witness A stated that she had overheard some conversations between [REDACTED] pupils, talking about a cover teacher who had added them on Snapchat and been open about his sexuality.

Witness A submitted in her witness statement that on 30 April 2022, a [REDACTED] emailed the School's [REDACTED] email address and stated that a pupil had shared some concerns with her about a cover teacher named Mr Pimpinelli, who was adding pupils on Snapchat and being "*flirtatious*".

Witness A stated that on 2 May 2022, another [REDACTED] provided further information and stated that their classes were aware of the allegations against Mr Pimpinelli and mentioned situations including adding pupils on Snapchat. She stated that this [REDACTED] also identified that Pupil A had been involved.

Witness A spoke with the relevant pupils as part of the School's investigation and the panel reviewed the contemporaneous written notes of Witness A's interviews with these pupils.

The panel considered the witness statement of Pupil B, who stated that on 21 April 2022 at around 5pm, Mr Pimpinelli requested to connect with his account on Snapchat. Pupil B confirmed that he had not provided Mr Pimpinelli with his Snapchat account details and he was not sure how Mr Pimpinelli had found him on Snapchat. Pupil B stated that he had accepted Mr Pimpinelli's friend request and that Mr Pimpinelli had started a conversation with him on Snapchat straight away.

The panel considered the written notes of Pupil B's interview on 4 May 2022 with Witness A as part of the School's investigation. In the interview notes, Pupil B states that Mr Pimpinelli had added him on Snapchat after school.

The panel considered the witness statement of Pupil C, who stated that on or around the second occasion that Mr Pimpinelli taught him, Mr Pimpinelli had asked Pupil C and Pupil F to add him on Snapchat. Pupil C stated that Mr Pimpinelli typed his Snapchat username into his mobile phone during the lesson and added himself on Pupil C's account. Pupil C stated that Mr Pimpinelli added other pupils including Pupil B, Pupil E and Pupil F.

The panel considered the written notes of Pupil C's interview on 4 May 2022 with Witness A as part of the School's investigation. In the interview notes, Pupil C states that Mr Pimpinelli added him and Pupil D on Snapchat and that Mr Pimpinelli had only recently created a Snapchat account (which Pupil C knew as Mr Pimpinelli's Snapchat account had a very low 'Snapscore').

The panel reviewed the selection of screenshots of conversations on Snapchat between Mr Pimpinelli and Pupil C, which had been provided by Pupil C and Kent Police. The panel agreed that this evidenced that they had connected on Snapchat.

The panel considered the written notes of Pupil D's interview with Witness A as part of the School's investigation. In the interview, Pupil D stated that during a lesson on 31 March 2022 Pupil D had asked Mr Pimpinelli as a joke if he had Snapchat, and had given his phone to Mr Pimpinelli to put his Snapchat username in (which Mr Pimpinelli then did).

In Pupil E's interview with Witness A on 4 May 2022, Pupil E noted that Mr Pimpinelli had added Pupil E on Snapchat about a week and a half prior to the interview and that Pupil E was aware that Pupil B, Pupil C and Pupil F also communicated with Mr Pimpinelli on Snapchat.

In Pupil F's interview with Witness A on 5 May 2022, Pupil F stated that Mr Pimpinelli "*gave somebody his @*" (meaning his Snapchat account). Pupil F noted that at the time

he didn't believe it was Mr Pimpinelli, so Pupil F had added Mr Pimpinelli as a joke. Mr Pimpinelli and Pupil F had talked briefly over a couple of days on Snapchat.

In Pupil G's interview with Witness A as part of the School's investigation, Pupil G stated that Mr Pimpinelli had initially added Pupil G on Snapchat.

The panel considered Mr Pimpinelli's written statement. The panel noted that Mr Pimpinelli is not disputing allegation 1(a), and he states *"my biggest mistake lies in having agreed to share my social media platform with the students"*.

The panel noted that Mr Pimpinelli included in his written statement that *"it was the students who encouraged me to install the platform Snapchat in the first place and then added me"*. The panel noted that allegation 1(a) does not require the panel to make a determination as to 'who added who' on Snapchat. The primary question for the panel to consider is whether Mr Pimpinelli added and/or accepted an invite for one or more pupil(s) on Snapchat, which is admitted by Mr Pimpinelli.

The panel found allegation 1(a) proven.

b) Exchanged messages of an inappropriate and/or sexual nature with one or more pupil(s);

The panel considered the screenshots of the Snapchat messages exchanged between Mr Pimpinelli and Pupil C provided within the bundle.

The panel noted the following messages sent by Mr Pimpinelli in particular:

Exhibit 8:

- *"You know, Pupil C, there are quite a few [REDACTED] in your year group taking a fancy to me, I've noticed. So perhaps there are more [REDACTED] in your year group than you had ever thought!"*
- *"Even Pupil B could see how much you fancy me"*
- *"I shall look forward to hearing everything about your [REDACTED]... You said you were not ready to be [REDACTED] yet... I just hope I will know when that happens."*
- Commenting *"Hot"* after receiving a picture of Pupil C on Snapchat.
- *"You are clearly naked"*, to which Pupil C responded *"I'm wearing pants, Alessio"*.
- *"You are still naked. Anyway, I was thinking instead of taking those silly pictures of me we could just take a nice one together. I've done the same with Pupil G today, that cutie."*

- Pupil C messaged *“Why would I do that”* and Mr Pimpinelli responded *“Because you love me. And we shall preserve a nice memories for the two of us”*
- *“Pupil E is such a cutie, Alas, he’s not [REDACTED] yet”*

Exhibit 23:

- *“I fancied seeing you”*
- *“I’ve been eager for a while, in fact, was only unsure if you fancied it or not, but I wanted to give it a try”*
- *“Hahaha I’m not benevolent, You have just sort of ‘bewitched’ me, if you want”*
- *“The message you sent, What are you sorry about? Naughty.”*
- *“So it follows that perhaps there’s a bit of affection in all those hearts with my name in them? :p”*
- Mr Pimpinelli sending a kissing emoji
- *“to me it doesn’t matter, I’ve got an agreement and understanding with my partner”*
- *“Sweet boy”*
- *“Now it’s illegal, child”*

The panel considered the witness statement of Pupil C, who stated that he thought the messages between them became more sexually suggestive over time. Pupil C stated that Mr Pimpinelli sent him a number of messages on Snapchat, including Mr Pimpinelli saying the following:

- *“Even Pupil B could see how much you fancy me”*
- *“Oh sorry Pupil C, I can’t possibly see you naked”*
- *“you love me”*
- Making comments about [REDACTED] which he understood to be Mr Pimpinelli referring to him losing his [REDACTED]
- Making comments about Pupil C being naked in photographs
- Asking to take photographs together with Pupil C.

Pupil C stated that Mr Pimpinelli was also inappropriate towards [REDACTED] and other pupils in person at school and he recalled Mr Pimpinelli referring to them as [REDACTED] in class.

The panel considered the written notes of Pupil C's interview on 4 May 2022 with Witness A as part of the School's investigation. In this interview, Pupil C stated that Mr Pimpinelli had been messaging him on Snapchat over the Easter holidays. Pupil C stated that Mr Pimpinelli had sent Pupil B multiple photos of himself bare chested showing his tattoos, and that Pupil B had shown Pupil C those photos on 3 May 2022.

The panel considered the written notes of Pupil C's additional interview with Witness A on 5 May 2022, in which Pupil C stated that in lessons Mr Pimpinelli frequently flirted with students, paying them a "*wide manner of compliments*".

The panel considered the witness statement of Pupil B, who stated that Mr Pimpinelli discussed a few topics with [REDACTED] that he thought were inappropriate. He stated that on one occasion when they met up for a walk Mr Pimpinelli said "*it is a shame that you're not into [REDACTED]*" or words to that effect. Pupil B stated that Mr Pimpinelli told him about his relationship with his partner [REDACTED]. He stated that Mr Pimpinelli told him that he had [REDACTED]. Pupil B stated that Mr Pimpinelli asked him which pupils at the School were gay.

Pupil B submitted that Mr Pimpinelli had said to him on one occasion, "*if you discover that you are [REDACTED] later, let me know*" or words to that effect.

The panel considered the written notes of Pupil B's interview with Witness A on 4 May 2022. In this interview, Pupil B stated that he told Mr Pimpinelli about his relationship troubles and Mr Pimpinelli shared his own relationship troubles as well.

In Pupil B's further interview with Witness A on 5 May 2022, Pupil B stated he had met up with Mr Pimpinelli for a walk and they had talked about troublemakers at school and Mr Pimpinelli mentioned pupils he didn't like. Pupil B submitted that Mr Pimpinelli had asked Pupil B about who at the School was gay. Pupil B stated that Mr Pimpinelli had told him that "*he lets off steam by having sex with other people*". Pupil B submitted that Mr Pimpinelli complimented Pupil B a lot in their chats.

The panel considered the notes of Pupil D's interview with Witness A on 5 May 2022 as part of the School's investigation. In this interview, Pupil D noted that Pupil D had sent Mr Pimpinelli a selfie photo with Mr Pimpinelli in it during the lesson.

In Witness A's oral evidence to the panel, she had confirmed that the School was clear in its policy that the use of mobile phones in the classroom was inappropriate unless it was an emergency or the pupils were using their phones for learning purposes.

In the notes of Pupil E's student incident form completed on 4 May 2022, Pupil E submitted that Mr Pimpinelli had added Pupil E on Snapchat and they had messaged on the app for a while, but Mr Pimpinelli had seemed friendly. Pupil E then heard about Mr Pimpinelli and Pupil B going to the bowling alley which made Pupil E nervous so he started 'airing' Mr Pimpinelli on Snapchat (meaning leaving his messages on 'delivered' and not responding).

In Pupil F's interview with Witness A on 5 May 2022, Pupil F noted that he had added Mr Pimpinelli on Snapchat as a joke and they had talked briefly over Snapchat for a couple of days, if that. Pupil F had then blocked Mr Pimpinelli on Snapchat after it got "*boring / a bit weird*". Pupil F stated that Mr Pimpinelli was "*a bit flirty*" but not serious in Pupil F's opinion.

In the notes of Pupil G's interview with Witness A as part of the School's investigation, Pupil G stated that Mr Pimpinelli had messaged Pupil G on Snapchat a couple of times, saying how Pupil G was "*too cool to text him*" and messages about Pupil G being bad at school as a joke. Pupil G submitted Mr Pimpinelli had been "*pretending*" to have seen Pupil G's SIMS record (i.e. the School's internal database containing the pupils' personal data and information pertaining to their achievements, sanctions etc.).

The panel considered the written statement of Mr Pimpinelli. In particular the panel noted that Mr Pimpinelli admitted this allegation as he stated "*I do accept responsibility for allegations in paragraph 1*".

Mr Pimpinelli addressed a particular image in the bundle which shows a photo of a male pupil in school uniform with text across the image [REDACTED]. Mr Pimpinelli stated that he had saved and kept this image [REDACTED] When asked why Mr Pimpinelli had not reported the image, Mr Pimpinelli stated he did not report it "*because such things do not matter to me, nor do they affect me emotionally in any way*" and he stated that he had reprimanded the student but did not want to make his life difficult for something "*quite trivial in my mind*" especially when the student's GCSEs were approaching.

In his written statement, Mr Pimpinelli submitted that he took sympathy towards Pupil C as he reminded Mr Pimpinelli of himself at his age and [REDACTED]. Mr Pimpinelli completely accepts it was his fault in using the wrong communication means with Pupil C and that the language Mr Pimpinelli sometimes adopted could easily be misinterpreted. Mr Pimpinelli stated "*However, as I told Pupil C, I could and would never take advantage of [REDACTED] sexually*".

Mr Pimpinelli stated that "*in relation to the online conversation I had with Pupil C and which is reported as evidence in the documents bundle – I have no words to express my*

shame. I remember that that had been a bad day and I was more careless than usual with my words. I acknowledge I lost track of myself that day and talked to a child as if he were an adult.”

Mr Pimpinelli stated that he did not flirt with the students and believes that many of his “*sharp replies*” were mistaken for flirting, although he accepts why Pupil C may have perceived his messages as flirting.

Mr Pimpinelli acknowledged the veracity of Pupil D’s statement, with the only difference that it was Pupil D who asked Mr Pimpinelli for his social media account details.

Mr Pimpinelli admitted that he deleted his Snapchat account when he realised that “*things were getting out of hand and when I got to know that some students had malicious intentions to use such a tool to get me into trouble – I was warned by Pupil B about this possibility.*”

The panel considered that multiple messages sent by Mr Pimpinelli to pupils were highly inappropriate in nature. This included Mr Pimpinelli:

- discussing his sex life with pupils.
- inviting pupils on more than one occasion to meet him for a cigarette.
- encouraging pupils to take photos with him in the classroom.
- asking a pupil to tell him which students were gay, and discussing other pupils who Mr Pimpinelli did not like.
- the fact of regularly messaging [REDACTED] pupils on Snapchat including during the Easter holidays.

The panel found that Mr Pimpinelli had exchanged messages of an inappropriate nature with one or more pupil(s).

The panel was referred to the definition of “*sexual*” as provided in Section 78 of the Sexual Offences Act 2003 (‘the Act’) and 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 were also directed that they can make their own determination as to whether the messages were of a sexual nature using their own knowledge and experience.

The panel considered all of the evidence summarised above and concluded that several of the Snapchat messages exchanged and sent by Mr Pimpinelli included inherently sexual language, notably messages about a pupil being naked, referring to a pupil not being [REDACTED] yet, messages about 'deflowerment', discussing his sex life with pupils and the image of the pupil which Mr Pimpinelli received, saved and kept on his phone. The panel found no evidence of any attempts by Mr Pimpinelli to report this image of the pupil. The panel also noted that Mr Pimpinelli had expressly admitted that he had exchanged messages of a sexual nature with Pupil C as in Mr Pimpinelli's written statement he stated "*However, as I told Pupil C, I could and would never take advantage of him sexually*".

The panel concluded that Mr Pimpinelli had exchanged messages of a sexual nature with one or more pupil(s).

The panel found allegation 1(b) proven.

c) Met and/or arranged to meet one or more pupil(s) outside of the school grounds.

The panel considered the screenshots of the Snapchat messages between Mr Pimpinelli and a Pupil C provided within the bundle, and noted that there was a message from Mr Pimpinelli inviting Pupil C to play pool. There was a further message from Mr Pimpinelli indicating that Mr Pimpinelli would drive to [REDACTED] just to pick Pupil C up.

The panel considered the redacted screenshots of the Snapchat messages sent between Mr Pimpinelli and a pupil (thought to be Pupil C). These Snapchat messages evidence that Mr Pimpinelli repeatedly asked the pupil whether he wanted to meet for a cigarette, in four separate messages.

Pupil C explained that he is aware that Mr Pimpinelli met up with Pupil B outside of School and that they went to a bowling alley and played pool together. He stated that he knew this because Pupil B sent him a photograph of Mr Pimpinelli playing pool on Snapchat and Pupil B had told him about this in person.

The panel considered the witness statement of Pupil B. Pupil B submitted that on the 27 April 2022, during the evening after school, he was at a bowling alley with 2 of his friends, and he was telling them how Mr Pimpinelli had been adding pupils on Snapchat. Pupil B stated that he thought it would be funny to message Mr Pimpinelli and invite him to the bowling alley, so he did, but did not think that he would actually come. Pupil B explained that approximately 20 minutes later, Mr Pimpinelli arrived at the bowling alley. Pupil B stated that he was surprised to see Mr Pimpinelli as he thought he would not come as it felt inappropriate for a teacher to be there.

Pupil B explained that he did not have the courage to ask Mr Pimpinelli to leave, and that his friends had left the bowling alley. He stated that he played pool, took a photograph of

Mr Pimpinelli to send to his friends and that Mr Pimpinelli bought him a non-alcoholic drink. Pupil B stated that Mr Pimpinelli bought himself a gin and tonic.

The panel had sight of the photograph Pupil B took of Mr Pimpinelli playing pool, which was included in the bundle.

In Pupil B's witness statement, Pupil B stated that he met up with Mr Pimpinelli on Saturday 30 April 2022 for a walk, and that Mr Pimpinelli offered to give him a lift home from school on one occasion via a Snapchat message.

The panel considered the written statement of Mr Pimpinelli, who stated that he bumped into Pupil B outside the bowling alley whilst on a walk, and that he did not arrange to meet him. He stated that Pupil B asked him if he wanted to play pool to which he agreed, and that at the time he did not see anything wrong with this as he was a supply teacher with no investment in the student's academic achievement/progress. Mr Pimpinelli stated that he did buy a drink, but only for himself.

The panel considered that the Snapchat messages evidence that Mr Pimpinelli repeatedly sought to arrange to meet a pupil for a cigarette, including on a Saturday, and that Mr Pimpinelli asked to meet Pupil C to play pool at the bowling alley and offered to collect Pupil C by car and drive him there. The panel considered that, although there was no direct evidence that Mr Pimpinelli arranged to meet Pupil B at the bowling place, there was sufficient corroborating evidence from Pupil C's account.

The panel found allegation 1(c) proven.

2. Your conduct at paragraph 1(a) and/or 1(b) and/or 1(c) was sexually motivated.

The panel noted that Mr Pimpinelli denied this allegation.

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 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 future sexual relationship".

The panel further noted that in *General Medical Council v Haris [2021] EWCA Civ 763*, it was stated that, "In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves. A sexual motive was plainly more likely than not; I would go so far as to say that that inference was overwhelming."

The panel carefully considered the explanations by Mr Pimpinelli that the police had found no evidence of sexual communications between him and the victims at the time and no evidence of sexual interest in children.

The panel considered that there was no plausible innocent explanation for the conduct which they had found proven at allegations 1(a), 1(b) and 1(c). The panel was not convinced by Mr Pimpinelli's submissions that he had been naïve nor that Mr Pimpinelli's conversations on Snapchat had more of a '*buddy*' feeling as alleged. The panel found that Mr Pimpinelli had been identifying and messaging male pupils in an attempt to pursue a future sexual relationship with them.

The panel noted that the messages Mr Pimpinelli had sent to the pupils contained language that was highly inappropriate and of a sexual nature, and the panel refers in particular to the messages extracted and contained within this decision document above.

Due to the persistent and cumulative nature of the messages between Mr Pimpinelli and one or more pupils, the panel concluded that on the balance of probabilities, and in the absence of a plausible innocent explanation, Mr Pimpinelli's conduct was sexually motivated, in that it was done in pursuit of a future sexual relationship.

The panel found allegation 2 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 Pimpinelli, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Pimpinelli was in breach of the following standards:

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

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Pimpinelli amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The panel found that the offence of sexual communication with a child was relevant. The Advice is clear that a child in this context includes everyone under the age of 18. 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]*. The panel considered that each of allegations 1(a), 1(b), 1(c) and 2 could stand alone in terms of the seriousness of the behaviour and amounted to unacceptable professional conduct. Therefore, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

The panel noted that although some of the allegations at 1(a), 1(b) and 1(c) took place outside the education setting to some extent, in that they occurred outside of school, the panel was satisfied that Mr Pimpinelli's conduct as found proved related to his role as a teacher, affected the way he fulfilled his teaching role and it led to pupils being exposed to and/or influenced by Mr Pimpinelli's behaviour in a harmful way.

Accordingly, the panel was satisfied that Mr Pimpinelli 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 Mr Pimpinelli's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1(a), 1(b), 1(c) and 2 proved, the panel further found that Mr Pimpinelli'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; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel's findings against Mr Pimpinelli involved sending inappropriate and sexual messages via Snapchat to pupils at the School. It also involved arranging to meet one or more pupils outside of the school grounds. The panel also found his conduct to be sexually motivated. Therefore, the panel considered there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

The panel found there was no evidence to suggest 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 impose a prohibition order, taking into account the effect that this would have on Mr Pimpinelli. 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 Pimpinelli. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, 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;
- violating of the rights of pupils;
- 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 evidence that Mr Pimpinelli's actions were deliberate. The panel found that Mr Pimpinelli's actions were pre-meditated, coercive and repetitive in targeting male students.

There was no evidence to suggest that Mr Pimpinelli was acting under extreme duress, and, in fact, the panel found Mr Pimpinelli's actions to be calculated and sexually motivated.

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

The panel considered but was not persuaded by the written statement of Mr Pimpinelli provided within the bundle in which he accepted responsibility for allegation 1 and stated that he was naïve, unprofessional and inappropriate and that he deeply regretted his behaviour. The panel noted that Mr Pimpinelli's written statement cited *"On my part, I thought I was doing nothing seriously wrong; I do realise how wrong I was now, and I do apologise for my lack of professionalism in handling such matters."*

The panel considered that there was a lack of remorse on the part of Mr Pimpinelli. The panel noted Mr Pimpinelli expressed regret for individual past actions albeit he also sought to attribute responsibility to the pupils rather than himself. Mr Pimpinelli failed to acknowledge the underlying inappropriateness and impact of his behaviours on the pupils and the school community. Given this lack of reflection and appropriate insight and remorse the panel felt there was a future risk of repetition. The panel also noted that the School and Mr Pimpinelli's employer acted quickly to respond to reported concerns and removed any risk of Mr Pimpinelli continuing sexual communication that would lead to inappropriate relationships with 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. 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 Pimpinelli 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 Pimpinelli. Safeguarding and the wellbeing of pupils and the risk of repetition were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would mitigate 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; and any sexual misconduct involving a child.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found 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 Alessio Pimpinelli should be the subject of a prohibition order, with no provision for a review period.

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

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

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

The findings of misconduct are particularly serious as they include sending inappropriate and sexual messages to pupils and arranging to meet one or more pupils outside of the school grounds. The panel found that this conduct was sexually motivated.

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

“The panel’s findings against Mr Pimpinelli involved sending inappropriate and sexual messages via Snapchat to pupils at the School. It also involved arranging to meet one or more pupils outside of the school grounds. The panel also found his conduct to be sexually motivated. Therefore, the panel considered there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of 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 the panel has set out as follows, “The panel considered that there was a lack of remorse on the part of Mr Pimpinelli. The panel noted Mr Pimpinelli expressed regret for individual past actions albeit he also sought to attribute responsibility to the pupils rather than himself. Mr Pimpinelli failed to acknowledge the underlying inappropriateness and impact of his behaviours on the pupils and the school community. Given this lack of reflection and appropriate insight and remorse the panel felt there was a future risk of repetition.” In my judgement, the lack of 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 that “public confidence in the profession would be seriously weakened if conduct such as that found against Mr Pimpinelli was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of sending inappropriate and sexual messages to pupils 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 Pimpinelli himself. The panel has commented, “There was no evidence that Mr Pimpinelli demonstrated exceptionally high standards in both personal and professional conduct or has contributed significantly to the education sector.”

A prohibition order would prevent Mr Pimpinelli from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the finding of the panel that “Mr Pimpinelli’s actions were pre-meditated, coercive and repetitive in targeting male students.” I have also placed considerable weight on the panel’s comments concerning the lack of insight or remorse and its view that there is a risk of repetition, which would compromise the safeguarding and wellbeing of pupils.

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

I have considered the panel's comments:

"The Advice indicates that there are behaviours that, if proved, would mitigate 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; and any sexual misconduct involving a child."

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 allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of Mr Pimpinelli's misconduct, the lack of either insight or remorse, and the risk of repetition.

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

This means that Mr Alessio Pimpinelli 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 Pimpinelli 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 Pimpinelli 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.



Decision maker: David Oatley

Date: 13 September 2024

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