



Teaching
Regulation
Agency

Mr Stuart Maxwell: Professional conduct panel meeting outcome

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

January 2025

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

Teacher: Mr Stuart Maxwell

Teacher ref number: 9663565

Teacher date of birth: 21 November 1969

TRA reference: 22371

Date of determination: 7 January 2025

Former employer: The Ripley Academy, Derbyshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 7 January 2025 by way of a virtual meeting, to consider the case of Mr Stuart Maxwell.

The panel members were Mr Paul Millett (lay panellist), Ms Jane Gotschel (teacher panellist - in the chair) and Ms Sarah Daniel (lay panellist).

The legal adviser to the panel was Ms Rebecca Utton 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 Maxwell that the allegation be considered without a hearing. Mr Maxwell provided a signed statement of agreed facts and admitted being convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Jack Ashford of Capsticks LLP, Mr Maxwell or any representative for Mr Maxwell.

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

Allegations

The panel considered the allegation set out in the notice of meeting dated 23 October 2024.

It was alleged that Mr Maxwell was guilty of having been convicted of a relevant offence, in that:

1. On 26 June, you were convicted of, 'On 20/1/2022 at Sawley assaulted [Child A] by beating him 'contrary to section 39 of the Criminal Justice Act 1988'.

Mr Maxwell admitted the facts of allegation 1 and that his behaviour amounted to a conviction of a relevant offence as set out in the statement of agreed facts signed by Mr Maxwell on 16 August 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, anonymised pupil list and list of key people – pages 3 to 4
- Section 2: Notice of referral, response and notice of meeting – pages 5 to 35
- Section 3: Statement of agreed facts and presenting officer representations – pages 36 to 40
- Section 4: TRA documents – pages 41 to 87
- Section 5: Teacher documents – pages 88 to 90

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 Maxwell on 16 August 2024, and subsequently signed by the presenting officer on 13 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 Maxwell for the allegation 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 determined that such a direction was not necessary or appropriate in this case.

On the 20 December 2022, there was an incident involving Mr Maxwell and a minor.

On the 1 January 2023, Mr Maxwell commenced employment at The Ripley Academy ('the Academy').

On the 26 June 2023, Mr Maxwell was convicted of assault by beating.

On the 1 August 2023, the TRA received a referral of concerns about Mr Maxwell from the Academy.

Findings of fact

The findings of fact are as follows:

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

- 1. On 26 June, you were convicted of, 'On 20/1/2022 at SAWLEY assaulted [Child A] by beating him 'contrary to section 39 of the Criminal Justice Act 1988'.**

The panel considered the statement of agreed facts, signed by Mr Maxwell on the 16 August 2024. In that statement of agreed facts, Mr Maxwell admitted allegation 1, and further admitted that the facts of the allegation amounted to a conviction of a relevant offence. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the memorandum of conviction from Derby Justice Centre (aka Derby St Mary Adult) Magistrates' Court, dated 26 June 2023, which

detailed that Mr Maxwell had been convicted of assaulting Child A by beating him. The panel noted that Mr Maxwell pleaded guilty to the offence.

In respect of the allegation, Mr Maxwell was sentenced to pay a fine in the sum of £120, £100 compensation, £85 prosecution costs and a £48 victim surcharge.

On examination of the documents before the panel and the admissions in the signed statement of agreed facts, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of those proved allegations amounted to the conviction of a relevant offence.

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 Maxwell in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Maxwell 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
 - showing tolerance of and respect for the rights of others

The panel was satisfied that the conduct of Mr Maxwell fell significantly short of the standards expected of the profession.

The panel noted that Mr Maxwell’s actions were relevant to teaching, working with children and/or working in an education setting. Whilst the panel recognised that the offence had taken place outside of the school setting, outside of school hours and had not involved pupils or other members of the Academy’s staff, the panel noted that the offence did involve a child of school age at a school where Mr Maxwell had taught.

The panel considered that the conviction had involved violence and noted the Advice states that offences involving violence are likely to be considered a relevant offence. However, the panel did acknowledge that the level of sentence imposed by the court upon Mr Maxwell, a fine, was indicative that the offence was at the less serious end of the possible spectrum.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety of pupils and/or members of the public. The panel noted that although Mr Maxwell acted in the heat of the moment, he essentially took the law into his own hands and responded inappropriately to a situation where, on his account, he was

being provoked by a child. The panel considered that Mr Maxwell had a duty to act as a role model. In that regard, the panel was of the opinion that his actions fell short of the standard of behaviour expected by a teacher.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Maxwell's behaviour in committing the offence could affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the centre of his practice as a teacher with a duty of care towards children.

The panel further noted that in the statement of agreed facts, signed by Mr Maxwell, he admitted the facts amounted to a conviction of a relevant offence. Notwithstanding his admission, the panel, having considered all the evidence before it, was satisfied that Mr Maxwell had been convicted of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 nature of the offence for which Mr Maxwell was convicted, the panel considered there was a strong public interest consideration in the safeguarding and wellbeing of pupils, the protection of other members of the public and in declaring that the proper standards of conduct in the profession be upheld.

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

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 Maxwell. 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 Maxwell. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though 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 Maxwell's actions were not deliberate nor was there any evidence that Mr Maxwell was acting under extreme duress.

There was no evidence presented to the panel that Mr Maxwell demonstrated exceptionally high standards in both personal and professional conduct nor that he had contributed significantly to the education sector. The panel acknowledged that Mr Maxwell described himself as an experienced teacher "*heading towards the latter years*" of his teaching career. The panel noted that no evidence had been presented to indicate that Mr Maxwell was anything other than a man of previous good character prior to this incident both professionally and personally.

The panel considered from Mr Maxwell's statement that he had shown remorse and insight into his behaviour. The panel particularly took account of him stating "*I wish to say that I wholeheartedly regret ever going to [REDACTED]....I should not have gone, I know this and if I could turn back time I would.*" In addition, "*I...completely admit that I was wrong to try and handle the situation myself.*" "*I am extremely remorseful and will live with the consequences of my actions for the rest of my life, as will my family.*"

The panel further noted that at the time of his actions Mr Maxwell stated that he “*was acting as a [REDACTED].....*” and he took his “*eye off the ball and briefly put my responsibilities as a teacher to one side.*” Whilst the panel concluded that this in no way justified his actions, they did consider it relevant mitigation.

In his statement Mr Maxwell referred to having undertaken a programme of therapy/counselling since the offence date. The panel, however, was not provided with any evidence in support of this to consider.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Maxwell 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 Maxwell. The fact this was an offence of violence on a child, albeit at the lower end of the spectrum, 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these behaviours to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours is violence. The panel found that Mr Maxwell was convicted of an offence of assault by beating on a child. The panel, however, noted that the offence and sentence imposed by the court were towards the lower end of the scale both in terms of category of an offence of violence and punishment the court could impose for such an offence. The panel further noted reference in the bundle that Mr Maxwell could potentially have been eligible for an

adult caution if he had admitted the offence in police interview. The panel also considered the risk of repetition and, taking the circumstances of the case as a whole, believed it to be low.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a three-year 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 a relevant conviction.

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

In particular, the panel has found that Mr Maxwell 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
 - showing tolerance of and respect for the rights of others

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

The findings of misconduct are serious as they include a finding of a relevant conviction of assaulting a child by beating.

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 a relevant conviction, 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 Maxwell, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In the light of the nature of the offence for which Mr Maxwell was convicted, the panel considered there was a strong public interest consideration in the safeguarding and wellbeing of pupils, the protection of other members of the public and in declaring that the proper standards of conduct in the profession be upheld." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered from Mr Maxwell's statement that he had shown remorse and insight into his behaviour. The panel particularly took account of him stating *"I wish to say that I wholeheartedly regret ever going to [REDACTED]....I should not have gone, I know this and if I could turn back time I would."* In addition, *"I...completely admit that I was wrong to try and handle the situation myself."* *"I am extremely remorseful and will live with the consequences of my actions for the rest of my life, as will my family."* I have therefore given this element weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Maxwell was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of an offence involving violence 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 a relevant conviction, 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 Maxwell himself and the panel comment "There was no evidence presented to the panel that Mr Maxwell demonstrated exceptionally high standards in both personal and professional conduct nor that he had contributed significantly to the education sector. The panel acknowledged that Mr Maxwell described himself as an experienced teacher *"heading towards the latter years"* of his teaching career. The panel noted that no evidence had been presented to

indicate that Mr Maxwell was anything other than a man of previous good character prior to this incident both professionally and personally.”

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

In this case, I have placed considerable weight on the panel's comments, “In his statement Mr Maxwell referred to having undertaken a programme of therapy/counselling since the offence date. The panel, however, was not provided with any evidence in support of this to consider.”

I have also placed considerable weight on the finding of that “The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Maxwell's behaviour in committing the offence could affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the centre of his practice as a teacher with a duty of care towards children.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3 year review period.

I have considered the panel's comments “The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours is violence. The panel found that Mr Maxwell was convicted of an offence of assault by beating on a child. The panel, however, noted that the offence and sentence imposed by the court were towards the lower end of the scale both in terms of category of an offence of violence and punishment the court could impose for such an offence. The panel further noted reference in the bundle that Mr Maxwell could potentially have been eligible for an adult caution if he had admitted the offence in police interview. The panel also considered the risk of repetition and, taking the circumstances of the case as a whole, believed it to be low.”

In this case, factors mean that allowing a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. This case was serious as Mr Maxwell was convicted of assault by beating a child, however I have carefully

considered the mitigating circumstances, including the level of insight and remorse shown and I therefore agree with the panel.

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

This means that Mr Stuart Maxwell is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 17 January 2028, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Maxwell remains prohibited from teaching indefinitely.

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

Mr Maxwell 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 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 14 January 2025

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