



Teaching  
Regulation  
Agency

# **Mr Michael Clark: Professional conduct panel outcome**

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

**February 2025**

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

**Teacher:** Mr Michael Clark

**Teacher ref number:** 03/04044

**Teacher date of birth:** 7 October 1978

**TRA reference:** 21359

**Date of determination:** 10 February 2025

**Former employer:** Lyng Hall School, Coventry

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6-10 February 2025 remotely via MS Teams to consider the case of Mr Michael Clark.

The panel members were Stephen Chappell (lay panellist in the chair), Patricia Hunt (former teacher panellist) and Julie Wells (teacher panellist).

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

The presenting officer for the TRA was Ms Aleksandra Manning Rees of Counsel

Mr Clark was not present and was not represented.

The hearing took place in public and was recorded, save for elements of the hearing relating to Mr Clark’s health which were heard in private.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 19 November 2024.

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

1. On or around 9 May 2022, he:
  - a) Grabbed and/or pulled and/or twisted Child B's arm, causing Child B to fall to the floor;
  - b) Held and/or pinned Child B down on the floor with his foot;
  - c) Threw a pen at and/or towards Child B.
2. On unknown date(s) between September 2021 and November 2021, he:
  - a) Touched and/or pressed the collarbone of Child E.
3. On various dates between September 2021 and May 2022 he made comments of an inappropriate and/or sexual nature to and/or in front of pupil(s), as set out in Schedule A.
4. On various dates between November 2021 and May 2022, he fell asleep during lessons(s) and/or an examination that he was supervising.
5. By way of his conduct at paragraph 1a) and/or 1b) and/or 2a), he made inappropriate contact and/or used unreasonable physical force with Child B and/or Child E.

### Schedule A:

- i. "faggot" and/or "fag", or words to that effect;
- ii. "fuck", or words to that effect;
- iii. "pussy" and/or "you are a pussy, and not even the good kind like your mum has", or words to that effect;
- iv. "bastard", or words to that effect;
- v. "fat twat", or words to that effect;
- vi. That you are "fucking untouchable", or words to that effect;
- vii. "I one handed kicked his ass, stood on his neck, job is a dunun, I have a tea on my arm though, it is hard to do it with one hand", or words to that effect;
- viii. "I do not need to wank off, I will just get your mum to suck me" and/or "your mum sucked me off", or words that effect;
- ix. "I'm usually in front your mum, not behind", or words to that effect;

- x. “maybe I’ll ring your mum up she seems to love my phone calls”, or words to that effect;
- xi. Referred to a pupil(s) as “pigeon chested”, or words to that effect;
- xii. “I don’t use one finger I use two”, or words to that effect.

Mr Clark has not formally responded to the allegations and has therefore neither admitted the allegations nor denied them.

## **Preliminary applications**

### Proceeding in absence

The panel considered an application from the presenting officer to proceed in the absence of Mr Clark.

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

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

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

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

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1.

- i) The hearing was originally listed for August 2024. This was postponed following Mr Clark communicating with the TRA and indicating that he intended to participate but was unavailable for the listed dates because he was on a pre-arranged holiday. Since August 2024, the TRA has received no further

communication from Mr Clark despite numerous emails being sent to him asking him to engage. Mr Clark was sent a revised notice of proceedings by email on 19 November 2024. Based on the information provided, the email address used for Mr Clark had not changed. The panel was also shown evidence that Mr Clark had signed for the notice of proceedings that was also sent by special delivery and received by him on 20 November 2024. The panel was satisfied that Mr Clark was aware of these proceedings; has had a longer period to prepare for the proceedings if he wanted to engage in light of the lengthy adjournment; and has chosen to disengage with the TRA. The panel therefore considered that Mr Clark has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

- ii)* The panel considered whether another adjournment might result in Mr Clark attending voluntarily. In light of Mr Clark failing to respond to the TRA over a sustained period of time, the panel considered that Mr Clark was choosing not to engage, and this is not a case where he was simply unable to attend because of, for example, unforeseen circumstances. It was therefore unlikely that a further adjournment would result in Mr Clark's attendance.
- iii)* If the panel was to adjourn this hearing, it is likely that the next available date would not be soon. It has already taken approximately five to six months to reconvene. Further, Mr Clark has expressed no intention to instruct representation to appear on his behalf.
- iv)* The panel was also mindful that the allegations relate to matters dating back to September 2021. The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst Mr Clark was employed at the School. Naturally, the School will have an interest in this hearing taken place in order to move forwards.
- v)* The panel also considered the extent of the disadvantage to Mr Clark in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Clark's account.

- vi) The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- vii) The panel also noted that there were 2 witnesses who were prepared to give evidence, and that it would be inconvenient and distressing for the hearing to be rearranged. Delaying the case may impact upon the memories of those witnesses.

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

### Hearsay

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

The panel was satisfied that the witness statement of Witness 3 was relevant to the case because it provided a witness account relating to allegations 1a) and 1b).

The central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the presenting officer without the opportunity for the evidence to be tested before the panel.

The panel took account of the efforts made to secure the attendance of the witness and concluded that the TRA had not been able to obtain a response from Witness 3 since 3 September 2024, when he confirmed that his only dates to avoid fell in the week commencing 27 January 2025. The panel also noted that Witness 3 appeared reluctant to attend the hearing when it was originally listed in August 2024 because he had work commitments. Most recently, the TRA emailed Witness 3 on 27 September 2024, 21 November 2024, and 24 January 2025.

The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if the allegations are found proven. However, the panel noted that this evidence relates to two of the sub-allegations.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against Mr Clark. The panel noted that the evidence is a witness on the periphery of the case, and that there was other documentary evidence on the relevant issues available in the bundle for the panel's consideration.

In the circumstances, the panel has decided that there are a sufficient safeguards to protect Mr Clark against any unfairness caused by being unable to test the evidence of this witness. The panel will be provided with a hearsay warning in due course, and the panel will determine what weight, if any it should attach to the evidence.

With regard to the overall question of fairness the panel concluded that it would be fair to admit the evidence. Witness 3's written witness statement has been available to Mr Clark since he was first provided with the bundle of documents for the originally listed hearing in August 2024. The panel therefore considered that Mr Clark had ample opportunity to make representations on Witness 3's statement. Additionally, the panel noted that Mr Clark was made aware of the TRA's intention to make this application by way of an email to him on 24 January 2025. Mr Clark raised no objection to this application.

By reason of the above, the panel has decided to admit Witness 3's witness statement as hearsay evidence.

### Excluding the public

Having read the papers in advance, the panel is of the view that it may be necessary to discuss personal matters relating to Mr Clark's health during the course of the hearing.

The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing was preferable to a permanent exclusion of the public. The panel therefore considered whether there are any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to Mr Clark's health. The panel considered that to the extent it became necessary during the course of the hearing to discuss such matters, the panel could consider at that stage whether to exclude the public from that portion of the hearing only. In reaching this conclusion, the panel determined to exercise its discretion under paragraph 11(3)(a) of the Teachers' Disciplinary (England) Regulations 2012 and paragraph 5.85 of the Procedures.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and List of Key People – pages 4-6

Section 2: Notice of Hearing and Response – pages 7-15

Section 3: Teaching Regulation Agency Witness Statements – pages 16-30

Section 4: Teaching Regulation Agency Documents – pages 31-483



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

## **Witnesses**

The panel heard oral evidence from:

Witness 1 – [REDACTED]

Witness 2 – [REDACTED]

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mr Clark was employed by the School in 2009, most recently as a Maths teacher. In May 2022 the School received a complaint from Child A about Mr Clark's conduct in School, outlining the allegations above. The School subsequently investigated the allegations and Mr Clark's employment with the School ended on 9 December 2022. The matter was referred to the TRA on 16 December 2022.

## **Findings of fact**

The findings of fact are as follows:

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

**1. On or around 9 May 2022, you:**

- a) Grabbed and/or pulled and/or twisted Child B's arm, causing Child B to fall to the floor;**
- c) threw a pen at and/or towards Child B**

The panel heard oral evidence from Witness 1 who investigated this allegation at the material time, when it was raised by Witness 2 in a letter they wrote to the School on 10 May 2022 ("the Letter"). For clarity, Witness 2 is Child A as referred to in the evidence. The panel also has sight of the Letter and had the benefit of Witness 2's oral evidence at the hearing.

Allegations 1(a) and 1(c) relate to a continuing incident which allegedly took place on 9 May 2022, rather than them referring to two separate incidents. On that basis, the panel

considers it appropriate to set out its findings on the two together, although they were independently considered by the panel.

Although Mr Clark was not present at the hearing, the panel ensured it sought to understand Mr Clark's position as far as it reasonably could. Before the panel, there was evidence of the disciplinary investigation carried out by the School. Mr Clark responded to the allegations against him in an investigation interview, which included allegations 1(a) and 1(c). Mr Clark admitted to the School that he had a relationship with Child B that was perhaps more informal than was expected of teachers at the School. He did not deny that an incident had occurred with Child B as described. However, based on the evidence available, the panel finds that the incident was not malicious and was instead more akin to a playfight. Based on the information available, including the contemporaneous evidence collected at the time, the panel find that on the balance of probabilities it is likely that this playfight occurred.

The panel has considered Witness 3's evidence but has reminded itself to be cautious when deciding what weight to attach to it, because Witness 3 was not present at this misconduct panel hearing, meaning their evidence could not be tested. The panel was also mindful that Mr Clark was not present at this misconduct panel hearing and was therefore unable to make submissions on Witness 3's written statement. Witness 3's statement states that they observed the incident between Child B and Mr Clark, and described it as an 'altercation', stemming from Mr Clark demonstrating 'anger' towards Child B. The panel attached little weight to Witness 3's statement but, in any event, the panel does not find this explanation persuasive. As explained above, it is the panel's view that the more likely scenario is that it was as a playfight, with no ill intent intended (notwithstanding the panel's view that this was a clear error of judgment on Mr Clark's part).

On balance, the panel preferred the version of events at the material time by Mr Clark, Child B and Witness 2. This was also consistent with Witness 2's oral evidence. Witness 2 did not directly witness the incident at 1a) but did say that Mr Clark had spoken of it in Witness 2's class; it was this class that Mr Clark had left to go and playfight with Child B. Witness 1 confirmed the layout of the class in question to aid the panel's understanding. On the balance of probabilities, the panel considered that the following is the more likely chain of events.

The panel has considered on its own volition the extent to which it takes into account Child B's version of events. On 12 May 2022 Witness 1 met with Child B and asked them about the alleged incident on 9 May 2022. The panel was provided with a copy of a note of that conversation, taken by Witness 1. When questioned in oral evidence, Witness 1 confirmed that there was originally a version signed by Child B, but this version was not in the bundle of evidence before the panel. Notwithstanding this, Witness 1 confirmed that the note was an accurate reflection of the conversation had. The panel decided to admit this note as hearsay evidence but was mindful to attach the appropriate weight to it, particularly in light of the fact Mr Clark was not present at the hearing. In respect of this allegation, the panel

referred to Child B's account but noted that it was not the sole and decisive evidence in relation to this matter. In fact, the note is brief and simply corroborates Mr Clark's own account, which the panel paid greater consideration to. For clarity, the panel understood Mr Clark's position in relation to the allegations from the interview notes created at the material time. The panel also considered this to be admissible hearsay due to its relevance to the issues and out of fairness to Mr Clark, who was not present at the misconduct panel hearing.

On or around 9 May 2022 Mr Clark was teaching a class in his classroom, with the fire exit door open. The door in question led out onto a playing field, on which Child B was doing PE or was on the playing field for some other reason. Witness 1 confirmed in oral evidence that Child B was known as being a challenging student in the School. With that in mind, the panel accepted the account given by Mr Clark at the time, that Child B had made a comment or gesture towards Mr Clark through the open door, or had in some other way been inappropriate (in a joking manner) towards Mr Clark so as to entice him into engagement. Mr Clark then left his class through the fire exit and pursued Child B. The panel has not considered who initiated contact, as this was not relevant. There was then a playfight between Child B and Mr Clark, which resulted in Child B falling to the floor. When the School spoke to Child B about the alleged incident, Child B agreed that it had happened and explained that Mr Clark had a cup of tea in one hand. With the other hand, he grabbed Child B's arm, twisted it and Child B tripped on his own leg. Although Child B had not presented evidence before the panel, the panel considered this explanation of events plausible.

When Child B was on the floor, Mr Clark put his foot on them as if to say he was the 'winner'. Mr Clark explained at the time that "I put my foot on him like I was champion". This was not disputed in any account that the panel was presented with. Mr Clark then returned to his class to continue teaching.

In Witness 2's written and oral evidence, they said that Child B later came to the open fire exit and taunted Mr Clark. Witness 2 recalled how Mr Clark had responded by throwing whiteboard marker pen(s) at or towards Child B. Witness 2 was unable to recall whether Child B was in the doorway or just outside, but they were clear about Mr Clark having thrown pen(s) towards Child B. The panel noted from the contemporaneous evidence that other students had recalled a similar thing happening. Mr Clark has given no account to the contrary at any stage, based on the information available, and, on balance, the panel find the evidence of Witness 2 persuasive.

For the reasons set out above, the panel finds these allegations proved.

## **2. On unknown date(s) between September 2021 and November 2021, he:**

### **a) Touched and/or pressed the collarbone of Child E.**

The panel noted that this allegation was first made by Child E during the School's investigation into the allegations made by Child A in May 2022.

The panel has considered on its own volition the extent to which it takes into account Child E's version of events. On 18 May 2022 Witness 1 met with Child E and Child F and asked them about the alleged incident on 9 May 2022. The panel was provided with a copy of a note of that conversation, taken by Witness 1. The panel asked Witness 1 in oral evidence why two pupils had been interviewed together. Witness 1 explained their rationale that the two pupils were both sat together in Child A's class at the material time, and it was felt that by having the two together they would feel more comfortable and therefore be more open and honest.

When questioned in oral evidence, Witness 1 confirmed that there was originally a version signed by Child E and Child F, but this version was not in the bundle of evidence before the panel. Notwithstanding this, Witness 1 confirmed that the note was an accurate reflection of the conversation had. The panel decided to admit this note as hearsay evidence because it was not the sole and decisive evidence (at least in part – addressed in more detail below) but was mindful to attach the appropriate weight to it, particularly in light of the fact Mr Clark was not present at the hearing.

The panel noted that when Mr Clark was asked about this incident by Witness 1 in the investigation, Mr Clark admitted the allegation. The panel accepted both the accounts of Mr Clark and Child E given at the time, that Mr Clark's actions were not intended to be malicious and both parties saw it as a joke. Notwithstanding that the actions were not with ill-intent, it does not change the fact that the available evidence suggests that Mr Clark did touch and/or press the collarbone of Child E.

For the reasons set out above, the panel finds these allegations proved.

**3. On various dates between September 2021 and May 2022 he made comments of an inappropriate and/or sexual nature to and/or in front of pupil(s), as set out in Schedule A.**

**Schedule A**

**i) “faggot” and/or “fag” or words to that effect**

This was discussed at some length during the hearing and the panel was assisted by the evidence of Witness 2, the Letter, and the interviews held with Mr Clark by Witness 1. Witness 2 recalled that Mr Clark had used the term “faggot” in class in around January 2022. They were not sure of the precise date but believed it to be around mid-way through the academic year. The panel accepted this and, in any event, the precise date on which it was allegedly said was not material given that it was within the date range alleged. Witness 2 recalled that another student in the class challenged Mr Clark on the use of this word, noting that it was a derogatory slur towards gay persons. Witness 2 also explained in evidence that Mr Clark had said he believed the word meant “weak” (or something to the effect of that), which for completeness is not accepted by Witness 2. From then on, Witness 2 recalled that Mr Clark would still use the term in class but he would do so more “creatively” and discretely.

The panel was presented with no evidence to contradict Mr Clark's claims that he believed the word meant 'weak' but the panel considered that Mr Clark ought reasonably to have known that the term was derogatory in today's society. The panel therefore finds that Mr Clark's use of the term was inappropriate, particularly in a school setting, and, further, that Mr Clark demonstrated no remorse or awareness of why this was inappropriate.

**ii) "fuck" or words to that effect**

The panel finds this allegation proved for the reasons set out at vi) below.

**iii) "pussy" and/or "you are a pussy, and not even the good kind like your mum has" or words to that effect**

The panel has found the evidence of Witness 2 persuasive in considering this point. It was corroborated by other accounts. Although those other witnesses did not give oral evidence at the hearing, and so the panel has been mindful as to how much weight it attached to their version of events, the evidence all indicates that some form of banter took place between Child B and Mr Clark, in which Mr Clark used the term "pussy" or words to that effect. The panel has also noted that the allegation was put to Mr Clark at the time and he made no comment on it other than to say the incident with Child B was done in a joking manner.

**iv) "bastard" or words to that effect**

Witness 2 gave oral evidence and remained consistent with the Letter, which described that Mr Clark referred to Child B as a "bastard", when explaining why he left the classroom to go and playfight with Child B. The panel has been provided with no evidence to dispute this and it has further found no reason, on the balance of probabilities, why Child A would have misquoted Mr Clark or got this wrong. The consistency of Witness 2's account has satisfied the panel that their evidence is credible. As such, the panel find that it is more likely than not that Mr Clark did describe Child B in this way.

**vi) That you are "fucking untouchable" or words to that effect**

The panel has noted that Mr Clark denied this allegation when it was put to him by the School in May 2022. This is particularly notable because he has admitted other allegations which are arguably more serious. However, without Mr Clark present at the hearing, the panel was unable to test this point further with him. Having heard Witness 2's oral evidence and having read the Letter, and in the context of Mr Clark's apparent informal style with the students, the panel found, on the balance of probabilities, that it was more likely than not that Mr Clark said something to the effect of him being "fucking untouchable". In the same vein, the panel found that it is more likely than not that Mr Clark said "fuck" or words to that effect.

**vii) "I one handed kicked his ass, stood on his neck, job is a dunun, I have tea on my arm though, it is hard to do it with one hand" or words to that effect**

Again, for reasons outlined above, the panel was persuaded by Child A's original account of events. Based on the evidence available, the panel found that it is likely that Mr Clark said this in a joking way, but that he nonetheless said it once he had returned to the class he was teaching, following the playfight with Child B. Witness 2's account was consistent between the Letter, their written statement, and their oral evidence given at this hearing. The panel considered that Witness 2 had considered the importance of this procedure and gave consistent and coherent answers to the panel's questions, including notifying the panel where his statement included speculation on his part. The speculation in question was not relevant to these allegations but the panel considered that the concession on Witness 2's part added to their credibility.

- viii) **“I do not need to wank off, I will just get your mum to suck me” and/or “your mum sucked me off” or words to that effect**
- ix) **“I’m usually in front of your mum, not behind” or words to that effect**
- x) **“maybe I’ll ring your mum up she seems to love my phone calls” or words to that effect**

The panel was satisfied that the relationship between Child B and Mr Clark was as Mr Clark described it; informal and not conventional. The panel relied on the Letter in this respect which was supported in Witness 2's oral evidence. Additionally, the accounts given by Witness 3, Child C and Child D further support these allegations.

The panel has considered on its own volition the extent to which it takes into account Child C and Child D. Similarly to the panel's findings on hearsay evidence above, on 12 May 2022 Witness 1 met with Child C and Child D and asked them about the alleged incident on 9 May 2022. The panel was provided with a copy of a note of that conversation, taken by Witness 1. For similar reasons to the above, the panel have decided to admit this account as hearsay evidence.

Witness 3's evidence is that Mr Clark said something sexual relating to Child B's mother, although Witness 3 was not clear on the exact words used. Child C and Child D recalled that Mr Clark had responded with something about having sexual relations with Child B's mother, namely that she had “sucked [Mr Clark] off”.

When the allegation was put to Mr Clark by the School during the internal investigation, Mr Clark did not admit the allegations but, equally, did not deny them. His response was “if that's what they're saying then I must have”.

The panel has considered the evidence carefully. On balance, the panel is of the view that Mr Clark either said the alleged comments to Child B or, if not, words to the effect of the same.

- xi) **Referred to a pupil(s) as “pigeon chested” or words to that effect**

The panel noted that Mr Clark admitted having said this in relation to one pupil in particular, Child F, when that child had made a comment about being able to lift heavier weights than

Mr Clark. For the reasons already outlined, the panel decided to consider Child F's account as hearsay evidence. However, the panel was particularly persuaded by Mr Clark's open account of this, which was given at the time.

**xii) "I don't use one finger I use two" or words to that effect**

Again, this comment was allegedly said in the context of Child B making comments to Mr Clark [REDACTED]. The panel noted that Mr Clark volunteered this information to Witness 1, and details of this comment, to Witness 1 during the investigation in June 2022. Based on the evidence available, the panel was satisfied that the comment was made in jest but, nonetheless, the comment was made by Mr Clark.

For the reasons set out above, the panel finds this allegation proved in relation to those comments referred to above.

**4. On various dates between November 2021 and May 2022 you fell asleep during lesson(s) and/or an examination that you were supervising.**

Based on the evidence available the panel concludes that it was an accepted fact that Mr Clark fell asleep during lessons. There was some difference between witness accounts as to how often Mr Clark fell asleep. Witness 2 recalls it was approximately 11-15 times, whereas Witness 1 confirmed in oral evidence that it was at least 3 times because Mr Clark had been caught asleep during lessons on 3 occasions by his senior leadership team, prior to May 2022. Mr Clark himself stated that it was 3 times and disagreed that it was 11-15 times. On the basis that it is commonly accepted there were multiple occasions on which Mr Clark fell asleep during lessons, the panel found this allegation proved.

**5. By way of your conduct at paragraph 1a) and/or 2a), you made inappropriate contact and/or used unreasonable physical force with Child B and/or Child E.**

In addition to the evidence referred to above, the panel noted the contents of the School's Code of Conduct, Safeguarding Policy, Behaviour Policy and the School's guidance for safe working practice. Mr Clark's conduct contradicted the School's Code of Conduct and guidance for safe working practice in that he did not set an example of behaviour and conduct which could be copied by students and he engaged in horseplay and/or fun fights. He did not avoid using inappropriate or offensive language. The panel also drew on its own experience and knowledge. By holding Child B's arm in such a way that caused him to fall to the floor, the panel considered this to be, by any objective measure, inappropriate contact. Similarly, it was inappropriate of Mr Clark to press his finger into a pupil's collarbone (a pressure point) to the extent that that pupil fell to the floor, or at all. It is the view of the panel that in doing so, Mr Clark was also using unreasonable physical force with Child E.

For the reasons set out, the panel found this allegation proved.



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

**1. On or around May 2022 you:**

**b) Held and/or pinned Child B down on the floor with your foot**

Based on the evidence available to the panel, it appears to be accepted that once Child B was on the floor, Mr Clark put his foot over him as if to say “I am the champion”. However, the direct evidence of this was limited to Witness 3’s statement, and the accounts of Mr Clark and Child B given at the time. Witness 3 referred to Mr Clark ‘standing over [Child B]’. Child B did not mention Mr Clark holding or pinning him down on the floor with his foot. The more detailed account was Mr Clark’s, which was that he had put his foot on him as if to say “I am the champion”. The panel accepted this account but was not persuaded that Mr Clark held and/or pinned Child B down on the floor. In all likelihood, this part of the sequence of events was very brief and Mr Clark did not hold and/or pin Child B to the floor. In other words, the panel believed this was ‘for show’.

For the reasons set out the panel finds this allegation not proved.

**3. On various dates between September 2021 and May 2022 you made comments of an inappropriate and/or sexual nature to and/or in front of pupil(s), as set out in Schedule A**

**Schedule A**

**v) “fat twat” or words to that effect**

The only evidence of this the panel has been presented with is in the account given by Child E to Witness 1 on 18 May 2022. The panel notes that Child E was interviewed together with Child F. Witness 1 gave an explanation as to why the interviews were conducted in this way and the panel makes no finding on whether that was the correct approach. However, the panel has noted that whilst there was corroborated evidence of Mr Clark’s behaviour in respect of other allegations, there was no further mention of this particular comment. Unfortunately, the panel has not had the opportunity to test Child E’s account in this hearing as they were not called as a witness. The panel is mindful of this, but also that it has not been able to ask Mr Clark about this allegation because he is not present at this misconduct panel hearing. The panel has reminded itself that it should be cautious when considering what weight it attaches to hearsay evidence, and also that it should reasonably explore the evidence (especially in the absence of the teacher).

For the reasons outlined, the panel does not find this allegation proved.

**5. By way of your conduct at paragraph 1b), you made inappropriate contact and/or used unreasonable physical force with Child B and/or Child E.**



Allegation 1b) is only in relation to Child B. On the basis that the panel has not found allegation 1b) proved, the panel also finds allegation 5 not to be proved in so far as it relates to allegation 1b).

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

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

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 wish to note that it gave careful consideration in particular to allegation 4. The panel made a finding of fact that this was found proven, [REDACTED]. As such, the panel’s view is that the conduct in relation to allegation 4 does not amount to unacceptable professional conduct and/or conduct which may bring the profession into disrepute. The panel did however continue to consider the other allegations which were proved.

The panel was satisfied that the conduct of Mr Clark, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Clark 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
  - o treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
  - o having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
  - o 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, and maintain high standards in their own attendance and punctuality.

- 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 Clark fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Clark's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of intolerance on the grounds of sexual orientation and/or sex was relevant.

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

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

The panel also considered whether Mr Clark's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of intolerance on the grounds of sexual orientation and/or sex was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel therefore found that Mr Clark's conduct could potentially damage the public's perception of a teacher. The panel therefore found that Mr Clark's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1a and c, 2, 3, 4, and 5, the panel further found that Mr Clark'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/or conduct that may bring the profession into disrepute, it was necessary for the panel to go on to

consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Clark and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Clark, which involved him having made a number of expletive and inappropriate comments towards students, some of which were derogatory in nature and/or sexualised, and him having engaged in play fighting, inappropriate contact and/or unreasonable force with pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, particularly in light of Mr Clark's apparent lack of awareness of appropriate boundaries with children.

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

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

There was limited evidence to help the panel assess Mr Clark's ability as an educator. Witness 1 explained in oral evidence that the School had previously found it necessary to ask Mr Clark to improve the quality of his marking and standard of teaching. The panel did, however, note that there was no documentation to evidence these concerns. The panel also noted that Mr Clark considered himself to be a good teacher (based on the interview notes). However, again, the panel has not been provided with any documentary evidence to support his belief. On balance, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Clark in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

There was no evidence that Mr Clark's actions were not deliberate. Based on the interviews he had with Witness 1, his actions were clearly intentional and, what seems to be in Mr Clark's mind based on the same evidence, they were harmless and appropriate. The panel has found that Mr Clark's behaviour was not appropriate. When he was interviewed by Witness 1 in June 2022, Mr Clark said, in reference to Child B, *"he basically stuck his finger up, calling me a pussy, said he'd batter me, joking. The usual banter we have."* and *"he said he was going to knock me out and things about [REDACTED] so I went up to him laughing and joking and he went to attack me so I put him on the floor" and "if I chucked a highlighter at him it was a joke"*.

There was no evidence to suggest that Mr Clark was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Clark's actions to be calculated and motivated.

The panel was not shown any evidence to confirm whether Mr Clark had a previously good history or that he had demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector. The panel was therefore unable to determine whether this behaviour was out of character for Mr Clark. The panel notes that Mr Clark described his relationship with Child B, in particular, as *"not 100% professional"* and the two would quite often have banter with each other, which gives the impression that the allegations described above were not isolated, one off incidents.

The panel has read the notes of the interviews with Mr Clark conducted by Witness 1. There appears to be very little, if any, remorse from Mr Clark for his behaviour. The main evidence of remorse is when Witness 1 explains that Mr Clark's use of the word *"faggot"* has made students feel uncomfortable, to which Mr Clark responded *"that's horrible"*. Additionally, the panel has not found any evidence that Mr Clark has insight into his behaviour. His use of the word *"faggot"* as well as repeatedly using (and thereby showing students it is acceptable to use) misogynistic language, for example by sexualising pupils'

mothers, indicated to the panel that Mr Clark has a deep-seated attitude which has led to harmful behaviour. The panel was also satisfied, from the evidence that Witness 1 gave at the hearing and the School's policies, that Mr Clark's behaviour is not something that is part of the culture at the School. For example, Witness 1 said that although Child B can be challenging, they also have a good relationship. However, Witness 1 was clear that he would not, under any circumstances, have engaged in the behaviour that Mr Clark did.

### **Proportionality**

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 Clark 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 Clark. The lack of awareness from Mr Clark was a significant factor in forming that opinion. Even during the School's internal investigation, Mr Clark seems to have not grasped the seriousness of his actions and how his behaviour is inappropriate for a teacher. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel noted that this list is not exhaustive and it considered the case on its individual merits.

The Advice also indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics. The panel found that Mr Clark was responsible for making misogynistic and vulgar comments towards students, as well as using the word "*faggot*", which is a commonly known derogatory term for homosexual. In the panel's view this conduct could well demonstrate

an intolerance on the grounds of sexual orientation and/or sex. In any event, the list is not exhaustive and the panel considered that Mr Clark's lack of awareness for boundaries, repeatedly using inappropriate language to students, inappropriate physical contact with students (in a non sexual manner) and complete lack of insight, should be considered carefully when assessing the length of the review period.

For the reasons above, the panel's view was that a longer review period would be appropriate in the circumstances.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 4 years.

## **Decision and reasons on behalf of the Secretary of State**

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

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

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

In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Clark 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
  - o treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - o having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - o 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, and maintain high standards in their own attendance and punctuality.
- 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 Clark fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher directing inappropriate physical conduct and language towards pupils.

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 Clark, 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 makes the following observation:

“In the light of the panel’s findings against Mr Clark, which involved him having made a number of expletive and inappropriate comments towards students, some of which were derogatory in nature and/or sexualised, and him having engaged in play fighting, inappropriate contact and/or unreasonable force with pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, particularly in light of Mr Clark’s apparent lack of awareness of appropriate boundaries with children.”

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 has read the notes of the interviews with Mr Clark conducted by Witness 1. There appears to be very little, if any, remorse from Mr Clark for his behaviour. The main evidence of remorse is when Witness 1 explains that Mr Clark’s use of the word “*faggot*” has made students feel uncomfortable, to which Mr Clark responded “*that’s horrible*”. Additionally, the panel has not found any evidence that Mr Clark has insight

into his behaviour. His use of the word “*faggot*” as well as repeatedly using (and thereby showing students it is acceptable to use) misogynistic language, for example by sexualising pupils’ mothers, indicated to the panel that Mr Clark has a deep-seated attitude which has led to harmful behaviour.”

In my judgement, the lack of evidence that Mr Clark has developed full insight into and remorse for his behaviour means that there is some risk of repetition 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 records the following:

“The panel therefore found that Mr Clark’s conduct could potentially damage the public’s perception of a teacher. The panel therefore found that Mr Clark’s actions constituted conduct that may bring the profession into disrepute.”

I am particularly mindful of the finding of a teacher using vulgar, misogynistic and homophobic language in the presence of pupils in this case and the negative impact that such a finding may have on the reputation of the profession.

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

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

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

“The panel was not shown any evidence to confirm whether Mr Clark had a previously good history or that he had demonstrated exceptionally high standards in both his personal and professional conduct and having contributed significantly to the education sector. The panel was therefore unable to determine whether this behaviour was out of character for Mr Clark. The panel notes that Mr Clark described his relationship with Child B, in particular, as “*not 100% professional*” and the two would quite often have banter with each other, which gives the impression that the allegations described above were not isolated, one off incidents.”



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

In this case, I have placed considerable weight on the panel's comments concerning the lack of evidence of insight or remorse as well as the serious and numerous instances of misconduct that it has found.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Clark has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments:

“The Advice also indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases includes intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics. The panel found that Mr Clark was responsible for making misogynistic and vulgar comments towards students, as well as using the word “*faggot*”, which is a commonly known derogatory term for homosexual. In the panel's view this conduct could well demonstrate an intolerance on the grounds of sexual orientation and/or sex. In any event, the list is not exhaustive and the panel considered that Mr Clark's lack of awareness for boundaries, repeatedly using inappropriate language to students, inappropriate physical contact with students (in a non sexual manner) and complete lack of insight, should be considered carefully when assessing the length of the review period.”

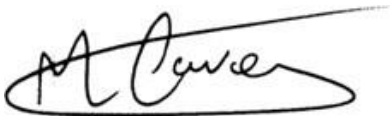
I have considered whether a four-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that such a period is sufficient and appropriate to achieve the aim of maintaining public confidence in the profession. These elements are the need for Mr Clark to have sufficient time to develop full insight into his behaviour and therefore demonstrate that there is no risk of a repetition in the future, as well as the likely damaging effect of his behaviour on the reputation of the profession.

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

**This means that Mr Michael Clark is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 20 February 2029, four 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 Clark remains prohibited from teaching indefinitely.

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

Mr Clark 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: 13 February 2025**

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