



Teaching  
Regulation  
Agency

# **Mr Sean Murphy: Professional conduct panel outcome**

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

**July 2025**

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

**Teacher:** Mr Sean Murphy

**Teacher ref number:** 8563802

**Teacher date of birth:** 27 November 1963

**TRA reference:** 22092

**Date of determination:** 4 July 2025

**Former employer:** St Bede's Inter-Church School, Cambridge

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 30 June to 4 July 2025 by way of a virtual hearing, to consider the case of Mr Sean Murphy.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Mrs Kate Hurley (teacher panellist) and Ms Sue Davies (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP.

Mr Murphy was not present and was not represented.

The hearing took place in public save that portions of the hearing (which related to Pupil B's [REDACTED]) were heard in private. The hearing was recorded.

## **Allegations**

The panel considered the allegations set out in the notice of proceedings dated 28 February 2025.

It was alleged that Mr Murphy was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Physical Education Teacher at St Bede's Inter-Church School ("the School"):

1. He did not maintain appropriate boundaries with pupils in that he:
  - i. touched pupils in an inappropriate and/or over-familiar way;
  - ii. photographed and/or video recorded pupils when not required for educational purposes;
  - iii. asked personal questions and/or made inappropriate comments to pupils;
2. On or around 5 January 2022, he acted in an inappropriate manner towards Pupil B in that he:
  - i. asked Pupil B to stand on a table tennis table to retrieve a ball;
  - ii. held Pupil B's thigh and/or waist, against her wishes;
  - iii. looked up Pupil B's skirt while she was standing on the table tennis table;
  - iv. inappropriately touched Pupil B and/or stood uncomfortably close to Pupil B while she was playing table tennis.
3. On or around 30 March 2022, he used inappropriate language and behaviour whilst delivering a lesson on sexual harassment.
4. His conduct at paragraphs 1 and/or 2 and/or 3 was sexually motivated.

In his written responses to the TRA, Mr Murphy denied these allegations.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 21

Section 3: Teaching Regulation Agency witness statements – pages 22 to 39

Section 4: Teaching Regulation Agency documents – pages 40 to 291

Section 5: Teacher documents – pages 292 to 301

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

The panel also had the following documents before it:

- A ‘proceeding in the absence of the teacher’ bundle of 124 pages
- An email from Mr Murphy sent to the TRA on 27 June 2025
- A skeleton argument on behalf of the TRA of 24 pages

## **Witnesses**

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

- Witness Y – [REDACTED]
- Witness Z – [REDACTED]
- Pupil B [REDACTED]

No witnesses were called on behalf of Mr Murphy.

## **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 Murphy was employed as a PE teacher at St Bede’s Inter-Church School (“the School”) from 2013. Mr Murphy taught pupils throughout Years 7 to 11 and was also a form tutor.

On 30 April 2023, Mr Murphy took early retirement from his position at the School. At this time, Mr Murphy was subject to a disciplinary investigation by the School. Following the conclusion of that process, the School made a referral to the TRA. The reason for the 2023 investigation is not subject to any of the allegations at this hearing. However, other alleged misconduct which was subject to previous investigations by the School and included in its referral are the subject of the allegations at this hearing.

At this hearing, the panel heard sworn witness evidence from:

- Witness Y [REDACTED] was the Headteacher [REDACTED]
- Witness Z [REDACTED] Witness Z was asked by the School to undertake an investigation into Mr Murphy's conduct which was undertaken in Spring 2022. As part of her investigation, Witness Z interviewed a number of pupils at the School.
- Pupil B, a former pupil at the School. Pupil B [REDACTED]. In 2022, Pupil B was in [REDACTED].
- Although not present at this hearing, Mr Murphy did provide an account of his position in written representations to the panel. The panel took these representations into account and where possible sought to test Mr Murphy's account against the available evidence. However, in the absence of Mr Murphy giving sworn evidence at this hearing, the panel was not able to assess that evidence by it being tested in cross-examination and therefore there was some limitation of the weight it attached to his account. The panel did not draw any evidential adverse inference from Mr Murphy's failure to give evidence at this hearing.

## Findings of fact

The findings of fact are as follows:

### **1. You did not maintain appropriate boundaries with pupils in that you:**

- i. touched pupils in an inappropriate and/or over-familiar way;**
- ii. photographed and/or video recorded pupils when not required for educational purposes;**
- iii. asked personal questions and/or made inappropriate comments to pupils;**

There were no pupils or staff members who might have been direct witnesses to the facts in this allegation appearing before the panel to give oral evidence at this hearing. The only evidence available to the panel were accounts provided by teachers and others tasked with investigating Mr Murphy's conduct who had spoken with pupils who had concerns about Mr Murphy. None of those pupil accounts before the panel had been written or signed by those pupils.

Some examples of these accounts from the pupils included concerns about Mr Murphy's conduct toward female pupils which included:

- suggesting to some pupils that they should considering modelling,
- asking about relationships the pupils might be in or asking inappropriate questions on topics such as abortions,

- touching pupils' waists as he moved past them in the classroom,
- filming pupils on his school iPad.

Whilst such accounts plainly raised a concern and suspicion about Mr Murphy's conduct, this panel's function was to make evidence-based decision making. That was to adjudicate on the balance of probabilities with only admissible evidence being taken into consideration.

In advancing its case, the TRA recognised these pupils' accounts would amount to hearsay evidence. The TRA submitted that under the relevant guidance (such as set out in the case of *Thorneycroft v NMC* (2014)), this evidence ought to be admitted as it did not appear to be directly disputed by Mr Murphy, it would be disproportionate to seek to call these pupils as witnesses and that its admission struck a fair balance between the rights of Mr Murphy and the public interest in resolving these concerns.

In considering the relevant legal guidance, the panel was not able to reach the conclusion suggested by the TRA. In particular the panel noted that:

Much of the evidence was in dispute. Albeit some were simply bare denials, some included alternative explanations being advanced by Mr Murphy.

The TRA advanced this allegation on the basis that it was sexually motivated conduct towards pupils. The panel recognised a finding of this nature was one of the most serious which could be made against a teacher.

These were accounts provided by pupils to another, who in turn provided their recollection of what the pupils had said to them. It was therefore multiple hearsay.

Witness Z was taken to the written accounts of Pupils J, F and H, which she was said to be the author of. Her evidence was that she did not immediately recognise the documents as they were not on the templates she had used in her investigation, although she said she seemed to recognise the content of the statements as being the accounts she recorded. This suggested that the accounts before the panel may have been further extracted from different documents themselves. Pupil B was also interviewed by Witness Z. Pupil B's evidence to the panel was that she had not seen or signed the statement at the time it was taken by Witness Z. Pupil B said the first time she saw this statement was in preparation for these TRA proceedings. She described that when she gave her account she had been unexpectedly withdrawn from a lesson and was not told what she was being interviewed for beforehand.

Taking these points into account, the panel was not satisfied it could be said that these pupil accounts were demonstrably reliable. The panel was also not satisfied they could be tested against other evidence before it. The TRA advanced that these accounts could be corroborated against other evidence available in the bundle. However, this other

evidence was also of the same hearsay nature. It would mean that hearsay evidence against Mr Murphy would be both the sole and decisive evidence against him in regard to this allegation.

These factors all pointed to a conclusion that it would be unfair to accept this material as admissible evidence in the case. Accordingly, the panel refused to do so. In the absence of any other admissible evidence relating to this allegation, the TRA was not able to discharge its burden of proof and therefore the panel found this allegation not proved.

For completeness, the panel was able to explore the issue around filming pupils further with Witness Y. His evidence was that once he was aware of an allegation around filming pupils with a School's iPad, he personally checked the relevant device himself. He stated that Mr Murphy was not given any advanced notice of the allegation and that he was intending to check the iPad. When he checked it, the videos and photographs of pupils on the device did not raise any concerns with him. They were all of a legitimate nature that a PE teacher might take in teaching that subject. The panel asked Witness Y if any other searches were undertaken, such as on the School's servers. Witness Y's evidence was that he did not. He explained his confidence in not needing to undertake wider searches on account of his opinion of Mr Murphy having very limited IT skills in being able to use the iPad, which made it highly unlikely that he was able to move any photo or video file off the device.

**2. On or around 5 January 2022, you acted in an inappropriate manner towards Pupil B in that you:**

**i. asked Pupil B to stand on a table tennis table to retrieve a ball;**

Pupil B's evidence was that on 5 January 2022, she was in a PE lesson and she was playing table tennis with other pupils in the lesson. The room they were using had a false ceiling and some of the ceiling tiles above the playing table were missing. Whilst playing, a couple of the table tennis balls had gone through these gaps and became stuck in the roof void.

Pupil B stated that Mr Murphy told her to get up onto the playing table so she could reach up into the roof void and collect the trapped table tennis balls. Pupil B said she was reluctant to do so, as she was wearing a short 'skort' (a skirt with a pair of shorts sewn into them) and getting on the table would have made her the centre of attention in the class, which she did not want to be. Pupil B further stated that Mr Murphy insisted that she get up onto the table. She described that because she felt pressured by Mr Murphy, she then climbed up onto the table by herself and tried to reach into the roof gap but was only able to just reach to the tiles and could not see and reach inside to retrieve the balls.

In the School's investigation and in his response to the TRA, Mr Murphy accepted that he may have suggested to the pupils playing to get onto the table to retrieve the balls, but he



denied expressly asking Pupil B or instructing her to do so and that Pupil B got onto the table freely after his suggestion.

The panel attributed more weight to Pupil B's sworn account regarding this sub-allegation. The panel was persuaded that it was more likely that Pupil B would have been reluctant to get up onto the table for the reasons she gave in her evidence. Furthermore, in the School's investigation, Mr Murphy himself was noted as describing Pupil B as [REDACTED], which lent further support for her account. Accordingly, the panel was satisfied that it was more likely than not Mr Murphy did ask and insist that Pupil B got up onto the table to retrieve the balls.

Having considered the factual basis of the sub-allegation, the panel then further considered the main stem of the allegation. There was no dispute between the parties regarding the date of this event. There was no evidence from the TRA suggesting a pupil would be exposed to any undue risks by undertaking this act. The panel did not consider the act of asking a pupil to do this, in the context of the PE lesson they were in, as implying any inherent inappropriateness in the circumstances. A PE teacher would be competent to assess such a level of risk and there no evidence to suggest this was not the case for Mr Murphy. Whilst perhaps not best practice to ask a pupil to do so, the panel did not consider this as equating to acting in an 'inappropriate manner'.

On that basis, the panel found this sub-allegation not proved.

## **ii. held Pupil B's thigh and/or waist, against her wishes;**

Pupil B was interviewed by Witness Z on 26 April 2022. In that interview, Pupil B is noted as saying that whilst up on the table, Mr Murphy placed his hands on her thighs and said to hold his hand whilst getting down.

In her evidence to the panel at this hearing, Pupil B's evidence was that she recalled Mr Murphy being stood close and holding his arm up around her thighs in a 'caging' like stance, but she did not recall his hands touching her body.

When asked about the difference in these two accounts by the TRA, Pupil B explained that due to the time that had passed, she could not recall if any contact was actually made by Mr Murphy whilst she was up on the table. When asked if her recall of the events would have better at the time she was interviewed, Pupil B stated that she assumed it would be, however Pupil B went on to state she did not recall what she had exactly said to the investigator on that date and if she was being clear about the account she gave. Furthermore, Pupil B explained that she was not aware she was going to be interviewed at the time and had been taken out of lesson unexpectedly beforehand. Pupil B said she had not seen the notes of this interview until last year when a TRA investigator provided a copy to her. On receiving these notes Pupil B said she raised that she was not satisfied with the account contained within it.

Mr Murphy denied this allegation. He stated that as Pupil B was stood in the middle of the table, he would not have been able to have reached her thighs with his hands. He said that the only contact he had with Pupil B was when he offered to help her down from the table by holding her hand.

Also before the panel was an account from Pupil J who appeared to provide an account of this incident in her interview with Witness Z. It set out an account that when Pupil B was on the table, Mr Murphy had held her around her thighs. It was not immediately clear from this written account whether Pupil J was a direct witness to this event. Witness Z confirmed in her evidence that she was not certain, but her view was that Pupil J had been 'presented' to her as someone who was able to provide a first-hand account. Mr Murphy stated in his representations that Pupil J was not in that PE class, so could not have seen this event. In her evidence before the panel, Pupil B confirmed that Pupil J was not present in the PE class at the time but she had told Pupil J about the event a 'couple of days' afterwards. Pupil J's account therefore was not one that was directly witnessed by her.

Also before the panel were three very short statements each consisting of no more than a few lines, which were purportedly authored by other pupils who were present in the PE lesson. The first of those said that Mr Murphy grabbed Pupil B around the waist. The second said Mr Murphy had his arms around her. The third account stated that Mr Murphy was holding Pupil B when she got up onto the table. These accounts were not attributed to any named pupil in the evidence before the panel.

The TRA submitted that although Pupil B's evidence was that she now could not recall whether Mr Murphy had touched her whilst up on the table, it was still open to the panel to find this sub-allegation proved on the basis of her earlier account, in which she did say it happened. The TRA reminded the panel about the high evidential value of contemporaneous accounts.

The panel considered that Pupil B's evidence at this hearing went further than simply saying that she could now no longer recall the event in question due to the passage of time. Pupil B's evidence was to the effect that she herself questioned whether the account she gave in the April 2022 interview was correct or not, which itself was taken four months after the incident. On that basis, the panel did not consider that a sufficient level of weight could be placed on the April 2022 account, so that a finding it occurred, on the balance of probabilities, could be made. Furthermore, the supporting evidence was mainly limited hearsay comments made by unattributed pupils, which the panel essentially gave no weight to.

Accordingly, the panel did not find the facts on this sub-allegation proved.

**iii. looked up Pupil B's skirt while she was standing on the table tennis table;**

Pupil B's evidence to the panel was that whilst she was on the table, she was concerned that Mr Murphy might be able to see up her skirt. As Mr Murphy was stood close behind her by the table and was looking up, she felt he might have been looking up her skirt, although she accepted from her position, she was not able to see where he was looking.

In her account to Witness Z, Pupil B was noted as saying that Mr Murphy had looked up her skirt, although there was no further explanation in that account as to how she reached that conclusion.

Mr Murphy denied this allegation in his response to the TRA.

For the same reasons as the previous sub-allegation, the panel placed more weight on the evidence Pupil B gave at this hearing, than the April 2022 account. On this more recent account, Pupil B's evidence was that she feared Mr Murphy might have been looking up her skirt. Accordingly, on this evidence the panel could not be satisfied that it was more likely than not that Mr Murphy did look up Pupil B's skirt and therefore found this sub-allegation not proved.

**iv. inappropriately touched Pupil B and/or stood uncomfortably close to Pupil B while she was playing table tennis.**

Pupil B's evidence to the panel was that after she got down from the table, Mr Murphy returned to his chair. Around ten minutes later Mr Murphy came over to her again while she was standing next to the table tennis table. Mr Murphy stood directly behind her and put his arms around her and placed his hands on the table tennis bat that she was holding. She described that the entire front of his body was touching the back of hers. Pupil B described feeling trapped by this and one of the most prominent things she could remember was that she could feel him breathing on her neck. Pupil B described that she froze and it felt like it lasted for around over 30 seconds. She could not recall what Mr Murphy was saying at the time as she felt so overwhelmed by his unwanted contact with her.

Pupil B further explained the impact this had on her. She started to avoid lessons in which Mr Murphy would be present. It increased the [REDACTED].

Mr Murphy denied this allegation. He stated in his representations to the TRA and the School's investigation that he was stood next to her demonstrating how to hold the bat and that he made no physical contact with her. He stated he was holding his own bat to demonstrate and did not touch the bat that Pupil B was holding.

The panel noted that Pupil B's account about this part of the lesson was detailed and had remained consistent in both the April 2022 account and the account she provided to the TRA. Pupil B had been otherwise quick to concede in her TRA evidence doubts around the elements of her earlier recorded accounts which might otherwise have been detrimental to Mr Murphy's position. This measured approach to her evidence gave the

panel satisfaction that Pupil B's clear and consistent account on this particular event was a credible recall of the event. The panel took into account the inherent fragility of memories when assessing Pupil B's evidence. The panel considered that the significant and lasting negative impact this alleged event had on Pupil B suggested it was less likely to be wrong due to an erroneous recall of events. This view was also consistent with Witness Z's evidence that Pupil B began shaking when recalling this event to her in her April 2022 interview. In the absence of being able to explore further Mr Murphy's version of events, the panel considered that it was inherently unlikely that the ongoing impact on Pupil B would have occurred if he was simply stood next to her showing her a batting position without making contact with her.

On that basis, the panel was satisfied it was more likely than not that the factual circumstances, as described by Pupil B occurred. The panel considered that such close contact with a pupil, by its very nature and duration was plainly inappropriate. There was no justification for it occurring.

Therefore, the panel found this sub-allegation proved.

### **3. On or around 30 March 2022, you used inappropriate language and behaviour whilst delivering a lesson on sexual harassment.**

There was no dispute between the parties that on 30 March 2022, all the form tutors in Year 11 delivered a personal, social, health and economic ("PSHE") lesson. Mr Murphy, as a form tutor to a Year 11 class, was one of those teachers. It is also not disputed between the parties that the lesson that Mr Murphy delivered did not go well.

The lesson included difficult and sensitive topics around sexual abuse. Witness Y's evidence was that appreciating the nature of the lesson, several members of the School's senior leadership team were available and were visiting the lessons as they were taking place. Witness Y described visiting Mr Murphy's lesson and the atmosphere in that class as being very different to the others he had visited. Witness Y described the other classes appeared to be calm with open discussions between the teacher and pupils, whilst Mr Murphy was delivering the lesson in a lecture like manner with the pupils seemingly disengaged and becoming increasingly aggravated by his style. A pupil who had been sent out of the classroom by Mr Murphy told Witness Y that she had secretly recorded part of the lesson on her phone because she was concerned about how Mr Murphy was teaching it. Witness Y said he told the pupil to delete the recording. He did not listen to it as he was satisfied that he would not need to on the basis that the vast majority of the lesson would have been undertaken with a least one member of the senior leadership team being present in the classroom and they would raise any significant issues with him directly. Witness Y also learnt that some pupils had prepared a 'bingo card' to mark off in anticipation that Mr Murphy was likely to say something problematic during this lesson. There was no copy of this 'bingo card' retained by the School.

Witness Y stated in his evidence there was some apprehension within the senior leadership about Mr Murphy teaching this lesson. Following the lesson, a number of pupils did raise concerns about Mr Murphy's delivery of the lesson. For example, during a video on sexual assault a pupil reported that Mr Murphy asked if any of the girls had been sexually assaulted and made reference that the occurrence of a sexual assault might be related to what a girl was wearing.

In his response to the TRA Mr Murphy said he did find this a difficult lesson to deliver and accepted that he had not undertaken enough preparation beforehand. He stated he made a 'complete howler' with the video and had not understood the proper message behind the clip.

The panel viewed this allegation as touching more on Mr Murphy's capabilities as a teacher rather than his professional conduct. Or as expressed in the context of the different parts of the Teachers' Standards, it appeared it was a 'Part 1' concern, rather than a 'Part 2' concern. The panel was satisfied that if Mr Murphy's actions became inappropriate to the level which would have engaged a Part 2 concern, it would have most likely resulted in one of the senior leadership team, who were present for most of the duration of the lesson (on Witness Y's evidence) bringing the lesson to a close or removing Mr Murphy from the classroom at that time. Whilst there was a suggestion that multiple members of the School's senior leadership team felt they had to interject during the lesson when they were present, all these interjections appeared to seek to remedy how Mr Murphy was delivering the lesson, which was in keeping with it being more of 'Part 1' concern in its nature.

Whilst the panel had no doubt this particular PSHE lesson had been somewhat of an unsuccessful lesson, it considered any failings on the part of Mr Murphy as being potential breaches of Part 1 of the Teachers' Standards, rather than amounting to inappropriate language or behaviour in the context of a Part 2 concern. The evidence before the panel did not provide any examples of specific inappropriate behaviour or language which the panel would consider as a potential breach of Part 2 of the Standards.

Recognising that failings under Part 1 are not relevant to a determination in these proceedings, the panel was not satisfied Mr Murphy had acted inappropriately, in the context of a Part 2 concern, and therefore found this allegation not proved.

#### **4. Your conduct at paragraphs 1 and/or 2 and/or 3 was sexually motivated.**

Having found Allegation 2(iv) proved, the panel went on to consider if Mr Murphy's actions were sexually motivated. The panel took into account that sexual motivation means the actions were taken either in the pursuit of sexual gratification or for a future sexual relationship.

The TRA submitted that the actions of Mr Murphy were inherently sexually motivated.

The panel noted the limited interactions between Pupil B and Mr Murphy generally in the evidence. There was no suggestion of any other methods of contact from Mr Murphy to Pupil B. On that basis the panel was satisfied there was no evidence that Mr Murphy's actions were in pursuit of a future sexual relationship.

In regard to sexual gratification, the panel considered that the close physical nature of the contact between Mr Murphy and Pupil B might be explained by a motivation for sexual gratification on the part of Mr Murphy.

However, the panel considered there might also be other alternative explanations for Mr Murphy's actions, which could not easily be discounted. For example, taking into account the general evidential picture of Mr Murphy's approach to teaching, notably Witness Y's observations that Mr Murphy was 'trained in a different era' and was someone who uses 'banter and sarcasm' in his interactions with pupils. The panel considered there could be a credible alternative motivation in undertaking those actions such as to embarrass Pupil B in front of her peers and to assert his power in the classroom. Whilst such a motivation would be worrying and deeply inappropriate, that would not be sexually motivated behaviour. The panel noted this was an isolated event towards Pupil B which took place openly in the lesson in front of others.

The panel was not satisfied the evidential picture before it suggested that Mr Murphy's actions were more likely than not taken to gain any sexual gratification by his actions towards Pupil B.

Accordingly, the panel found this allegation not proved.

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

Having found Allegation 2(iv) proved, the panel went on to consider whether the facts of those proved sub-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 first considered whether the conduct of Mr Murphy, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Murphy was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

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

The panel also considered whether Mr Murphy's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. 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 found that none of these offences was relevant.

The panel paid close regard to the impact that Mr Murphy's actions had on Pupil B. Pupil B's evidence was a revealing example of the high level of harm that could result from a teacher's physical interactions with pupils. Its impact had been significant and potentially long lasting. It could not in any way be considered in the realm of trivial in nature or otherwise forgivable. The culpability for that impact on Pupil B laid solely with Mr Murphy.

In considering these factors, the panel was satisfied that the conduct of Mr Murphy amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In relation to whether Mr Murphy's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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.

In considering the issue of disrepute, the panel also considered whether Mr Murphy's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As set out above in the panel's findings as to whether Mr Murphy was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.



The panel considered that Mr Murphy's conduct could potentially damage the public's perception of a teacher. The public expect teachers to put pupils' wellbeing at the forefront of their practice. Public trust in the profession to protect the wellbeing of pupils would be quickly eroded if that was not considered a fundamental tenet of the profession.

For that reason, the panel found that Mr Murphy's actions constituted 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. 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

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of the harm caused by Mr Murphy's interaction with a pupil. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Murphy 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 Murphy was outside that which could reasonably be tolerated.

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 Murphy.



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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;

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.

The panel took account of paragraph 43 of The Advice. The panel was satisfied that Mr Murphy's behaviour was deliberate and he was not under duress. Witness Y's evidence to the panel was that Mr Murphy could, at times, be an 'outstanding' teacher, that his pupils achieved good exam results and he could be an excellent communicator. The panel noted that Mr Murphy had been able to progress onto the 'upper pay scale', which was indicative of his abilities. These factors however, needed to be balanced with the evidence before the panel about other elements of Mr Murphy's practice. Witness Y also remarked that Mr Murphy would sometimes communicate with pupils in a way that was different to how newer entrants into the profession would do so and it had the effect of alienating some sections of his class, particularly female pupils. As a result of Mr Murphy's limited engagement with these proceedings, there was no evidence provided by him in regard to any testimonial or other evidence which spoke to his professional contributions. On that basis, the panel was not satisfied that it could be said that Mr Murphy had 'demonstrated exceptionally high standards' or had 'significantly contributed to the education sector'.

The panel recognised that although Mr Murphy denied the allegation found proven against him, taking such a position did not automatically mean that there could be no finding of developed insight being present. Mr Murphy had not provided any evidence to this panel which suggested he had paused to reflect on how his behaviour might impact on pupils and their wellbeing. There was no evidence of any training or other steps being taken by Mr Murphy which suggested that any risk of repetition was now materially diminished. From the evidence available, the panel had significant concerns over the level of insight demonstrated by Mr Murphy. The evidence showed Mr Murphy was quick to place blame on others or procedural issues when concerns were raised with him. Often this included directing blame towards pupils. This assessment by the panel appeared in keeping with one of the School's Deputy Headteachers who commented in the investigation that:

*“Mr Murphy said students can come and talk to teachers about anything and that's not right. The [Headteacher] said this is what we want but Mr Murphy still refused to agree.*

*This raised lots of red flags for me, Mr Murphy doesn't understand why these are safeguarding concerns, he has a different mindset...*

*There was no personal reflection about anything being wrong, he blamed everyone but himself.”*

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition and 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 Murphy 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 Murphy. The risk of repetition was a significant factor in forming the view that restrictive regulatory action was necessary to properly protect pupils. 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period or only after an extended period. The panel considered that none of the listed characteristics were engaged by the panel's findings. The concerns present around Mr Murphy's lack of insight were potentially remediable and could be achieved within the minimum period. Furthermore, the panel considered that the wider public interest factors (such as maintaining public confidence in the profession and declaring and upholding standards in the profession) did not call for a review period of longer than two years in order for them to be suitably guarded.

The panel therefore 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 to follow after the minimum available period of two 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 one of the allegations proven (allegation 2iv) and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found the other allegations not proven, and I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Sean Murphy should be the subject of a prohibition order, with a review period of 2 years.

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

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

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

The findings of misconduct are serious as they include a finding of inappropriate physical interaction with a pupil.

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 Murphy, 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, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of the harm caused by Mr Murphy's interaction with a pupil." 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, which the panel has set out as follows, "Mr Murphy had not provided any evidence to this panel which suggested he had paused to reflect on how his behaviour might impact on pupils and their wellbeing. There was no evidence of any training or other steps being taken by Mr Murphy which suggested that any risk of repetition was now materially diminished. From the evidence available, the panel had significant concerns over the level of insight demonstrated by Mr Murphy. The evidence showed Mr Murphy was quick to place blame on others or procedural issues when concerns were raised with him." In my judgement, the lack of evidence of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Murphy were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of inappropriate physical interaction with a pupil in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct 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 Murphy himself. The panel has observed, "Witness Y's evidence to the panel was that Mr Murphy could, at times, be an 'outstanding' teacher, that his pupils achieved good exam results and he could be an excellent communicator. The panel noted that Mr Murphy had been able to progress onto the 'upper pay scale', which was indicative of his abilities." The panel has also commented, "As a result of Mr Murphy's limited engagement with these proceedings, there was no evidence provided by him in regard to any testimonial or other evidence which spoke to his professional contributions. On that basis, the panel was not satisfied that it could be said that Mr Murphy had 'demonstrated exceptionally high standards' or had 'significantly contributed to the education sector'."

A prohibition order would prevent Mr Murphy 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 harm caused to a pupil by Mr Murphy's actions and its view that "the conduct found against Mr Murphy was outside that which could reasonably be tolerated."

I have also placed considerable weight on the panel's comments about the lack of evidence of insight and the risk of repetition. The panel has said, "The risk of repetition was a significant factor in forming the view that restrictive regulatory action was necessary to properly protect pupils."

I have given less weight in my consideration of sanction therefore to the contribution that Mr Murphy 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 evidence of 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 2-year review period.

I have considered the panel's comments, "The concerns present around Mr Murphy's lack of insight were potentially remediable and could be achieved within the minimum period. Furthermore, the panel considered that the wider public interest factors (such as maintaining public confidence in the profession and declaring and upholding standards in

the profession) did not call for a review period of longer than two years in order for them to be suitably guarded.”

I have considered whether a 2-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 allowing a 2-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found and the lack of evidence of insight.

I have decided therefore that a 2-year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Sean Murphy 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 15 July 2027, 2 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 Murphy remains prohibited from teaching indefinitely.

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

Mr Sean Murphy has a right of appeal to the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping loop at the end.

**Decision maker: David Oatley**

**Date: 8 July 2025**

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