



Teaching
Regulation
Agency

Mr Oliver James Barker: Professional conduct panel outcome

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

July 2025

Contents

Introduction	3
Allegations	4
Summary of evidence	4
Documents	4
Witnesses	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	16

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

Teacher:	Mr Oliver Barker
Teacher ref number:	1963162
Teacher date of birth:	1 June 1997
TRA reference:	21646
Date of determination:	8 July 2025
Former employer:	Percy Hedley School, Tyne and Wear (“the School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 and 8 July 2025 by way of a virtual hearing, to consider the case of Mr Oliver Barker.

The panel members were Mr Peter Ward (lay panellist – in the chair), Miss Louisa Munton (teacher panellist) and Mrs Julie Wells (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP Solicitors.

The presenting officer for the TRA was Ms Lucy Kinder of 9BR Chambers, instructed by Kingsley Napley LLP.

Mr Barker was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

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

It was alleged that Mr Barker was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a PE Teacher at Percy Hedley School:

1. On or around 11 January 2023, he encouraged and/or permitted Pupil B to participate in a contact sport, when he knew and/or ought to have known that Pupil B was only permitted to participate in non-contact sports, as Pupil B was recovering from a broken foot.
2. In relation to the incident set out at paragraph 2. he
 - a) Attempted to influence the pupil to give a different version of events;
 - b) Recorded the incident on CPOMS which was not an accurate version of events.
3. His conduct at paragraph 2a) and or 2b):
 - a) Was dishonest;
 - b) Lacked integrity.

In a statement of agreed facts signed by Mr Barker on 11 June 2024, Mr Barker admitted the allegations and admitted that his was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Since Mr Barker was not present and was not represented at the hearing, the panel treated this matter as a disputed case.

[REDACTED]

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 3 to 4

Section 2: Notice of Proceedings and response and statement of agreed facts – pages 5 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 20

Section 4: Teaching Regulation Agency documents – pages 21 to 54

Section 5: Teacher documents – pages 55 to 68

In addition, the panel agreed to accept the following on the basis that the documents were relevant and that it was fair to admit them to determine the presenting officer's proceeding in absence application, in order to ascertain Mr Barker's position regarding attendance at the hearing:

- a bundle of 34 pages described as the "proceeding in absence" bundle containing documents relied upon in the presenting officer's application to proceed in Mr Barker's absence; and
- a letter dated 24 March 2025 informing Mr Barker of a change in one of the panellists due to hear the case.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the "Procedures").

Witnesses

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

Witness A – [REDACTED]

Witness D – [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.

On 1 September 2022, Mr Barker commenced employment as a PE teacher at the School. Mr Barker's employment was terminated during his probationary period on 26 January 2023.

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:

Whilst working as a PE Teacher at Percy Hedley School:

- 1. On or around 11 January 2023, you encouraged and/or permitted Pupil B to participate in a contact sport, when you knew and/or ought to have known that Pupil B was only permitted to participate in non-contact sports, as Pupil B was recovering from a broken foot.**

In the statement of agreed facts, Mr Barker admitted that prior to 11 January 2023, he was aware that Pupil B had injured his foot. He also admitted that he had been informed by Witness A, a Learning Support Assistant that Pupil B was not to participate in contact sport. Mr Barker admitted having allowed Pupil B to play football, and that Pupil B sustained an injury whilst playing football.

Witness A had provided an account on 12 January 2023, as well as a more recent witness statement on 8 March 2024 for these proceedings. In her later witness statement she confirmed the accuracy of her earlier account. Her account of 12 January 2023 stated that she had been informed that Pupil B could participate in ball skills or be in goal during PE, and that if he did not do those activities he was to be brought back to class. She stated that Pupil B had been told this as well. She stated that while the football coaches demonstrated ball skills with the rest of the class Pupil B had sat next to her on the bench. She stated that she had encouraged him to take part, and he kept repeating that he wanted to play football. She stated that she had told him that he could play in goal, and he did not want to do so as he wanted to play in an outfield position. She stated that Pupil B had shouted at her asking to be allowed to play “out of the net” for three minutes. She stated that she informed him that he could practise ball skills or go in goal, and otherwise, he would have to go back to class. She referred to this debate going on for at least 40 minutes. She stated that a new member of staff had come over to her and was talking with her, and when she turned to look ahead again, Pupil B was on the pitch. She stated that she had called to him and Pupil B said “Oliver said I could play”. She also stated that Person E – [REDACTED], another learning support assistant had come over and said words to the effect of “Oliver said he could play at his own risk”.

Witness A stated that a short while later, there had been a tackle on Pupil B and he had been injured, that he limped up the pitch and behind the goal post and lay on the floor rolling around shouting.

In Witness A’s more recent witness statement, she stated that Pupil B had previously injured himself at School and was supposed to wear a boot but refused to do so. She stated that Mr Barker was aware of Pupil B’s injury as Pupil B had previously “sat off” Mr Barker’s lesson due to his injured foot. She stated that before the PE lesson, she had asked the School’s physiotherapist whether Pupil B could take part and had been told Pupil B was allowed to do practice/drills or be in goal but must not play in the field because he “tackles aggressively and takes it too far”. She stated that when Mr Barker

entered the sports hall, she told him exactly what the physiotherapist had said. She stated that Mr Barker agreed and said that Pupil B and another child always clash.

In her witness statement, Witness A also stated that she had not herself heard Mr Barker say that Pupil B could play at his own risk. She also clarified that Pupil B had been injured near the goal, he limped behind the goal and rolled around on the floor. Witness A also provided some background information that pupils that attended the School had learning disabilities and it was not within Pupil B's capabilities to decide what was and was not safe for him.

The panel has seen the Child Protection Online Monitoring System ("CPOMS") entry completed by Mr Barker. The entry confirmed that Mr Barker had been told by Witness A that Pupil B was recovering from a previous injury and that he could not fully participate in the lesson, and the instructions given to both Pupil B and himself were that Pupil B could participate in drills and play in a match, but only in goal.

The panel was satisfied from Witness A's evidence as confirmed in her oral evidence that Mr Barker had known and/or ought to have known that Pupil B was only permitted to participate in non-contact sports, as Pupil B was recovering from a broken foot. The state of Mr Barker's knowledge was corroborated by the CPOMS entry he completed.

In oral evidence, Witness A stated that she had never seen Mr Barker encourage Pupil B to participate in the football game, and she had not heard or seen Mr Barker speak with Pupil B. She stated that she spoke with her colleague momentarily when Pupil B had moved to a bench at the side of the pitch. Her conversation diverted her attention from the pitch for approximately less than one minute and when she turned back to look at the game, Pupil B was on the pitch kicking the ball. Witness A gave some details of the pitch. She stated that there were around 10 students on the pitch, 5 on each side, that it was an indoor pitch in a sports hall and not full size. She stated that Mr Barker was wandering about on the pitch or standing watching the game. She also stated that each team had their own goalkeeper and Pupil B was not "in goal" at any point. She stated that it was around 5 minutes after Pupil B had been on the pitch that the tackle happened. The panel considered that it was more likely than not that Mr Barker had permitted Pupil B to participate in the football match (outside of goal) given Witness A's evidence that he was watching the game and had not asked him to leave the game, despite around 5 minutes passing between Witness A seeing Pupil B on the pitch and the tackle happening.

The panel found this allegation proven in that he permitted Pupil B to participate in a contact sport, when he knew and/or ought to have known that Pupil B was only permitted to participate in non-contact sports, as Pupil B was recovering from a broken foot.

2. In relation to the incident set out at paragraph 1. you

a) Attempted to influence the pupil to give a different version of events;

In the statement of agreed facts, Mr Barker admitted that he told Pupil B to say that his injury had happened whilst he was in goal. Mr Barker admitted that Pupil B had told him that the injury had happened whilst he was playing football. Mr Barker also admitted that he was aware that the injury did not happen whilst Pupil B was in goal.

The panel noted that in Mr Barker's response dated 10 August 2023 to the notice of referral, he had responded "no" to the question whether he admitted having attempted to influence the pupil to give a different version of events. On 20 April 2024, Mr Barker sent a revised notice of referral form admitting to all of the allegations. On 13 May 2024, Mr Barker sent an email saying he had sent an amended letter "stating that I admit to what I am accused of as to not have a hearing". On 18 July 2024, Mr Barker stated that he had changed his stance on the allegations as "this has happened some time ago." He stated that he was "not admitting to all the allegations to simply move on with this process."

The panel exercised considerable caution with this allegation, given Mr Barker's change in his stance. The panel also noted that no investigation had been carried out into the incident by the School, since Mr Barker had been on probation at the time, and his probationary period was terminated.

In Witness A's account of 12 January 2023, her contemporaneous account after the incident, she stated that Mr Barker had sat next to her on the bench and she had told him that she was not happy as Pupil B was not supposed to be playing football. She stated that Mr Barker had said to Pupil B "it happened when you were in goal". Pupil B responded "Nah, I was playing football and that idiot, Pupil C tackled us". She stated that Mr Barker had said "try that again, it happened when you were in goal didn't it" and Pupil B did not reply. In oral evidence, Witness A stated that Pupil B did not grasp what Mr Barker was trying to say and that Pupil B would not have had the capacity to take on board what Mr Barker was "feeding" him to say.

Given the words used by Mr Barker as heard and reported by Witness A shortly after the incident, the panel considered that it was more probable than not that Mr Barker had attempted to influence Pupil B to give a different version of events.

The panel found this allegation proven.

b) Recorded the incident on CPOMS which was not an accurate version of events.

In the statement of agreed facts, Mr Barker admitted that he had entered incorrect information into CPOMS. Mr Barker admitted that he had entered information stating that he had allowed Pupil B to play only if he stayed in goal. He also admitted that he had entered information stating that Pupil B was playing in goal when he sustained the injury.

In Witness A's account of 12 January 2023, she stated that later on after the incident, Mr Barker had come to class and gestured to speak with her outside of the room. She stated that she had followed and he said "So what are we saying?" She stated that she answered that she had told Pupil B not to play football and then Mr Barker had said he could, and Pupil B had been hurt like she knew he would be. She stated that she told him again that the instructions they had were to only allow him to practise skills or be in goal. She stated Mr Barker said "So Pupil B started in goal, came out, got tackled and I didn't say he could play." She stated that she asked Mr Barker if he was writing a CPOMS entry, and he said he would and would tag her in it. She stated that when she arrived in work on 12 January and read the CPOMS entry it was not what she saw had happened and that it made her feel uncomfortable.

Witness D, the Headteacher stated that an employee was expected to submit an entry as a result of a safeguarding, behavioural or family incident. He stated that there were no strict rules as to how much information should be submitted and that the amount of information submitted by Mr Barker was quite detailed. He also stated that no one was required to check anyone else's entry before it is submitted. He stated that the School provided staff with training on how to write a CPOMS entry and that Mr Barker received this training in September 2022 as part of the annual safeguarding update. Witness D attended the hearing to give oral evidence and confirmed that his witness statement was true to the best of his knowledge and belief.

The panel had seen the CPOMS entry. Witness A stated that she objected to the statement in CPOMS in which Mr Barker had recorded "Pupil B stayed in goal for a 5/6 minutes [sic] by then ventured further and further out. I approached Pupil B and told him that he must stay in goal".

The CPOMS entry goes on to state, "I told Pupil B that both myself and [Witness A] have been told by his physio the reasons that he must stay in goal (to not aggravate injury etc. and I (OB) said that he must take responsibility for staying in goal. I said to Pupil B 'Both [Witness A] and me have told you to stay in goal, we are giving you the trust to do that. It is your responsibility to stay in goal.'" The entry records that Pupil B "returned to the net", and "received the ball (in goal) and dribbled up the pitch and was approached by Pupil C (opposition player) Pupil C attempted to tackle Pupil B – both of them kicked the ball at the same time." It is then stated that Pupil B immediately groaned and mentioned he had hurt his foot again, that he hobbled back towards the goal and remained in the net for two minutes before hobbling around the back of the goal and lay down on the floor.

In Witness A's more recent statement, she stated that she had made the School's physiotherapist aware of what had happened and that the CPOMS entry that Mr Barker has submitted was not accurate and that on 12 January 2023 she spoke with a class teacher and informed her that the CPOMS entry was not an accurate version of events.

Had it been Mr Barker's relative inexperience in using CPOMS that caused him to consult with Witness A, he could have prepared a draft and asked Witness A to check the accuracy of it. However, instead, he asked Witness A to discuss the matter with her outside of the classroom and asked "what are we saying". He ought to have been able to prepare a truthful account of what had happened, without the need to check if their accounts were aligned. The record made by Mr Barker appears to have been one that would absolve him from any fault being attributed to him. Given Witness A's consistent account that Pupil B had not been in goal; and that she immediately raised her concerns regarding the accuracy of the CPOMS entry, the panel considered that it was more likely that not that Mr Barker had made a CPOMS record which was not an accurate version of events.

3. Your conduct at paragraph 2a) and or 2b):

a) Was dishonest;

In the statement of agreed facts, having been informed of the legal test for dishonesty set out in the case of *Ivey v Genting Casinos (UK) t/s Crockfords*, Mr Barker admitted that his conduct was dishonest.

The panel considered that Mr Barker knew that he had permitted Pupil B to play football (outside of goal) when Pupil B was not permitted to do so because of his injury, and that Mr Barker had attempted to conceal this by attempting to influence Pupil B to give a different version of events, and by recording an incident on CPOMS which was not an accurate version of events. The panel considered that this would be considered dishonest by applying the objective standards of ordinary decent people.

The panel found that Mr Barker's conduct at paragraph 2a and 2b was dishonest.

The panel found this allegation proven.

b) Lacked integrity.

In the statement of agreed facts, having been provided with the definition of integrity set out in *Wingate and Evans v SRA* and *SRA v Malins*, Mr Barker admitted that his conduct lacked integrity.

The panel considered that Mr Barker had failed to adhere to the ethical standards of the teaching profession. It is a fundamental requirement to be truthful about an incident that has taken place in order to ensure children are adequately safeguarded, and since not telling the truth sets a poor example to children. It was evident that the CPOMS entry written by Mr Barker was not a truthful account and that in seeking to influence a pupil to give a different account, Mr Barker was seeking to cover up what had happened.

The panel therefore found Mr Barker's conduct at paragraph 2a and 2b lacked integrity.

The panel found this allegation proven.

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

Having found all 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 first considered whether the conduct of Mr Barker in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that Mr Barker had breached the requirement to act with honesty and integrity set out in the Preamble. The panel also considered that, by reference to Part 2, Mr Barker 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- 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 Barker in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”).

The panel considered that Mr Barker was in breach of the following provisions:

- to ensure that his approach was child-centred;
- to safeguard and promote the welfare of children;
- to provide a safe environment in which children can learn; and
- to ensure that the record made of the incident included a clear and comprehensive summary of the concern.

The panel was not satisfied that the conduct of Mr Barker in relation to the facts found proved, involved breaches of Working Together to Safeguard Children.

The panel also considered whether Mr Barker’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 the offences of controlling or coercive behaviour; and fraud or serious dishonesty were relevant.

The panel recognised that Mr Barker was a relatively inexperienced teacher having acquired his Qualified Teaching Status in July 2020, and would therefore have been undertaking his ECT 2 year induction period, or would have only just completed it at the time of the conduct found proven. However, as a result of Mr Barker's decision to permit Pupil B to participate in playing football (outside the role of goalkeeper), Pupil B sustained a further injury to his already injured foot causing Pupil B additional pain. The consequences ought to have been readily foreseeable to Mr Barker despite his lack of experience.

For these reasons, the panel was satisfied that the conduct of Mr Barker 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 Barker was guilty of unacceptable professional conduct.

In relation to whether Mr Barker'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 Barker'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 Barker was guilty of unacceptable professional conduct, the Panel found that the offences of controlling or coercive behaviour; and fraud or serious dishonesty were relevant.

The panel considered that Mr Barker's conduct could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Barker'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; and 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 permitting a pupil to participate in a contact sport when he should not have, and failing to record an accurate version of events on CPOMS.

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

The panel was conscious that Mr Barker was relatively new to the profession and with appropriate guidance and support may develop his skills and have the potential to make a valuable contribution to the profession. Nevertheless, the panel considered that the injury Pupil B sustained as a result of Mr Barker's actions was an aggravating feature, as was seeking to persuade a child with learning difficulties to lie, and concealing his actions by making an inaccurate entry on CPOMS. This undermined the trust that could be placed in Mr Barker. The panel did not, therefore, consider that the balance of the public interest considerations in this case was in favour of retaining Mr Barker in the profession.

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.

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 Barker.

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;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including...:
 - encouraging others to break rules;
 - lying to prevent the identification of wrongdoing.

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

There was no evidence that Mr Barker's actions were not deliberate. The panel recognised that his inexperience may have been a contributory factor in his actions, and that having done something wrong, he compounded those errors by seeking to influence a pupil to lie, and by making an inaccurate CPOMS record. The panel noted that one explanation for Mr Barker having sought to conceal what had happened may have been to prevent Pupil B from getting into trouble. However, since Mr Barker had provided no explanation for his conduct, the panel could not give credit for him being well intentioned.

There was no evidence to suggest that Mr Barker was acting under extreme duress, e.g. a physical threat or significant intimidation.

As a relatively new teacher, Mr Barker had not yet demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed

significantly to the education sector. There were no previous disciplinary findings against him.

Mr Barker adduced no statements attesting to his character or to his abilities as a teacher.

Although Mr Barker made admissions in this case, he provided no explanation of his conduct. Mr Barker's only response containing any narrative was that sent on 18 July 2024 stating that he had had a lot of change throughout his life in the past 16 months, that he had found himself a new job in a completely different sector, and as a result, could not see himself returning to education. [REDACTED]. Without any explanation of his conduct, and without any expression of insight or remorse, the panel could not be satisfied that there was no or minimal risk of repetition in this case.

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 Barker 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 Barker. The decisions Mr Barker had made following the incident which had the effect of concealing what had happened had serious implications for safeguarding, and undermines the trust that can be placed in him. 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.

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases 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 includes fraud or serious dishonesty.

The panel noted that each case should be considered on its individual merits taking into account all of the circumstances involved. The misconduct in this case arose out of one incident, and there was no indication that Mr Barker otherwise had a tendency to be dishonest. As referred to above, the panel noted that Mr Barker was an inexperienced teacher, and that Mr Barker had made a series of errors of judgement arising out of the incident. The panel recognised that, with more experience, Mr Barker might have appreciated his position as a role model to encourage pupils to tell the truth, and the importance of reporting accurately on CPOMS. In those circumstances, the panel considered that it was appropriate to diverge from the Advice suggesting a longer review period would be appropriate, and instead Mr Barker should have the opportunity to apply to set the review period aside after a shorter period.

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 after a 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Barker 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 Barker involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

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

The findings of misconduct are serious as they include a teacher engaging in behaviour that was dishonest and lacked integrity.

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 Barker, 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:

"There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of permitting a pupil to participate in a contact sport when he should not have, and failing to record an accurate version of events on CPOMS."

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:

"Although Mr Barker made admissions in this case, he provided no explanation of his conduct. Mr Barker's only response containing any narrative was that sent on 18 July 2024 stating that he had had a lot of change throughout his life in the past 16 months, that he had found himself a new job in a completely different sector, and as a result, could not see himself returning to education. [REDACTED]. Without any explanation of his conduct, and without any expression of insight or remorse, the panel could not be satisfied that there was no or minimal risk of repetition in this case."

In my judgement, the lack of evidence that Mr Barker has developed insight into his actions 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 records that it “....considered that Mr Barker’s conduct could potentially damage the public’s perception of a teacher.” I am particularly mindful of the finding of dishonesty in this case and the 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 Barker himself. The panel notes the following:

“As a relatively new teacher, Mr Barker had not yet demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector. There were no previous disciplinary findings against him.

Mr Barker adduced no statements attesting to his character or to his abilities as a teacher.”

A prohibition order would prevent Mr Barker 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.

I have also placed considerable weight on the finding of the panel that Mr Barker displayed behaviour that was coercive as part of his dishonesty.

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

does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's concluding comments:

"The panel noted that each case should be considered on its individual merits taking into account all of the circumstances involved. The misconduct in this case arose out of one incident, and there was no indication that Mr Barker otherwise had a tendency to be dishonest. As referred to above, the panel noted that Mr Barker was an inexperienced teacher, and that Mr Barker had made a series of errors of judgement arising out of the incident. The panel recognised that, with more experience, Mr Barker might have appreciated his position as a role model to encourage pupils to tell the truth, and the importance of reporting accurately on CPOMS. In those circumstances, the panel considered that it was appropriate to diverge from the Advice suggesting a longer review period would be appropriate, and instead Mr Barker should have the opportunity to apply to set the review period aside after a shorter period.

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 after a period of two years."

I have considered whether a two-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, in my judgment, allowing a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found as well as the lack of either insight or remorse and consequent risk of repetition.

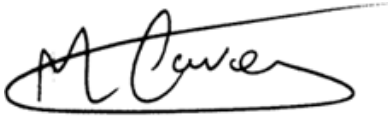
I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession. It should also allow Mr Barker sufficient time to develop and demonstrate remorse for and insight into his behaviour should he wish to return to the profession in the future.

This means that Mr Oliver Barker 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 16 July 2027, two 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 Barker remains prohibited from teaching indefinitely.

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

Mr Barker 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 'M Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 11 July 2025

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