



Teaching
Regulation
Agency

Mr Justin Scarlett: 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 Justin Scarlett

TRA reference: 22705

Date of determination: 30 July 2025

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 to 30 July 2025 by way of a virtual hearing, to consider the case of Mr Justin Scarlett.

The panel members were Ms Antonia Jackson (teacher panellist – chair), Ms Katie Dent (lay panellist) and Dr Sian Rees-Evans (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Zahra Evans of Capsticks LLP solicitors.

Mr Justin Scarlett was present for part of the hearing and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 26 March 2025.

It was alleged that Mr Scarlett was convicted of a relevant offence, in that:

1. On 4 May 2021 at East Kent Magistrates Court, Mr Scarlett was convicted of driving a motor vehicle with excess alcohol on 18 April 2020, contrary to the Road Traffic Act 1988 s5(1)(a).

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 4

Section 2: Notice of proceedings and response – pages 5 to 43

Section 3: TRA witness statements – pages 44 to 55

Section 4: TRA documents – pages 56 to 68

Section 5: Teacher documents – pages 69 to 96

In addition, the panel agreed to accept the following additional documents on day 2 of the hearing:

- 4 photographic images of Mr Scarlett's injuries; and
- An email from Mr Scarlett referencing the 4 images.

The panel members confirmed that they had read all relevant documents.

Witnesses

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

Witness A – [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Scarlett drove a motor vehicle after consuming excess alcohol on 18 April 2020. On 4 May 2021, he was convicted at East Kent Magistrates Court.

Findings of fact

The findings of fact are as follows:

- 1. On 4 May 2021 at East Kent Magistrates Court, you were convicted of driving a motor vehicle with excess alcohol on 18 April 2020, contrary to the Road Traffic Act 1988 s5(1)(a).**

The panel noted that Mr Scarlett admitted to this allegation at the start of the hearing.

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

The panel was provided with a Certified Memorandum of Conviction from East Kent Magistrates Court dated 4 May 2021. This detailed that Mr Scarlett was found guilty of driving a motor vehicle after consuming so much alcohol that the proportion of it in his urine, namely 274 milligrams of alcohol in 100 millilitres of urine, exceeded the prescribed limit, contrary to s5(1)(a) Road Traffic Act 1988.

In respect of the offences, Mr Scarlett was disqualified from holding or obtaining a driving licence for 20 months. Mr Scarlett was also fined £400; ordered to pay a surcharge to fund the victim services of £40; and ordered to pay costs of £400 to the Crown Prosecution Service.

The panel found allegation 1 proven.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

The panel first considered whether the conduct of Mr Scarlett, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Scarlett 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
 - not undermining...the rule of law...

The panel noted that although Mr Scarlett's actions took place outside the education setting, the actions were contrary to the Teachers' Standards, could have had an impact on the safety or security of members of the public and would be likely to affect public confidence in the teaching profession.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Scarlett's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel also considered the offences listed on pages 12 and 13 of the Advice.

This was a case concerning a conviction for a serious driving offence involving alcohol, which the Advice states is likely to amount to a relevant offence.

The panel found that the seriousness of the offence that led to the conviction was relevant to Mr Scarlett's ongoing suitability to teach. The panel considered that, a finding of conviction for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Having considered all the evidence before it, the panel was satisfied that Mr Scarlett had been convicted of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have 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

protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Scarlett which involved a conviction for driving in excess of the prescribed alcohol limit, there was a strong public interest consideration in declaring proper standards of conduct in the profession.

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

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

The panel considered the seriousness/gravity of Mr Scarlett's conviction alongside the mitigating circumstances, in particular Mr Scarlett's account of having sustained serious injuries as a result of [REDACTED] before the driving offence on 18 April 2020. Mr Scarlett's account of the events leading to the driving offence was that he believed [REDACTED] which caused him to flee from his home in his car, despite having consumed alcohol. Although the panel considered the driving offence to be serious, the panel noted that the events took place at the height of the COVID-19 pandemic, which were unprecedented times, and that Mr Scarlett felt he had no option but to drive to safety because he feared for his life at the time. The panel sought to gain further information about Mr Scarlett's decision to drive having feared for his life and found Mr Scarlett's oral evidence to be compelling in that he believed he [REDACTED], leading him to feel he had no choice but to leave.

The panel also took into account the incredibly difficult living situation which Mr Scarlett recounted that he faced at the time of the offence which was at the height of the COVID-19 pandemic. Mr Scarlett told the panel that, during this time, [REDACTED]. The panel considered Mr Scarlett's position and that this would be likely to have significantly contributed to his emotional distress and feelings of unsafety during the pandemic.

The panel noted Mr Scarlett's written comments in the bundle which were that his *"only escape [REDACTED] was my car! I had to drive over 60 miles, [REDACTED] toward certain arrest and subsequent prosecution, to receive any police help at the height of the first lockdown, sadly with excess alcohol at the time. There was no taxi service, or public transport service, or any service available."*

The panel also considered Mr Scarlett's statement which was prepared for the criminal proceedings leading to the conviction and his comment *"Although I didn't fully realise it at the time, I was seriously dazed and shaken by the incident and I believe this disturbance to my thinking and my emotional balance accounts for the most uncharacteristic*

incident...” Mr Scarlett also commented that the “act to drive was done as an absolute emergency measure and saved my life. It was the ridiculous lockdown measures that placed me in this position to begin with and nearly cost my life on two occasions.”

The panel considered that these comments were consistent with Mr Scarlett’s oral testimony during the hearing. During this testimony, Mr Scarlett referenced that he had photographic evidence of his injuries which he subsequently submitted to the panel, and which were considered as part of its deliberations. Although the panel noted that the photographs of Mr Scarlett’s injuries were undated, Mr Scarlett gave a detailed oral account of how he sustained injuries in advance of the incident on 18 April 2020 and the panel concluded that the photographs were more likely than not to be connected with the incident on 16 April 2020.

The panel considered the written and oral evidence of Witness A and other written statements from police officers in the bundle, which stated that Mr Scarlett did not appear to be injured at the time of his arrest. However, the panel also noted that Individual A had commented on Mr Scarlett having [REDACTED] on the arm of his shirt at the time. The panel therefore considered that Mr Scarlett’s account of the events leading to the offence on 18 April 2020 to be more likely than not to be true on the balance of probabilities.

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 Scarlett.

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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are ‘relevant matters’ for the purposes of the Police Act 1997 and criminal record disclosures; and
- actions or behaviours that ...undermine...the rule of law...

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 Scarlett's actions were not deliberate.

There was evidence from Mr Scarlett's oral testimony to suggest that Mr Scarlett was acting under extreme duress, for example, the fact that he felt he was subject to a physical threat or significant intimidation. The panel noted that, although the photographs of Mr Scarlett's injuries were undated, Mr Scarlett gave a detailed oral account of how he sustained injuries in advance of the incident on 18 April 2020. The panel considered that Mr Scarlett's account of the events leading to the offence on 18 April 2020 to be more likely than not to be accurate on the balance of probabilities.

The panel reviewed the submitted photographs and concluded, on the balance of probabilities, that they did relate to [REDACTED] Mr Scarlett cited as mitigation for his drunk driving, acknowledging the seriousness of the depicted injuries and agreeing that he acted under extreme duress.

The panel found some evidence of Mr Scarlett's insight into his actions in the bundle as follows:

- *"In my opinion at the time I had not consumed sufficient alcohol to be at or above the drink drive limit. Self-evidently that judgment was seriously in error, I believe due to the trauma sustained the previous day, my having received at least one very severe blow to the head, marked by a huge bruise and [REDACTED]."*
- *"I accept there is no justification for my action, only the mitigating circumstance that I was not remotely of clear mind at the time."*

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Taking into account the nature and severity of the behaviour and, having considered the extreme mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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 the allegation proven and found that those proven facts amount to a relevant conviction

The panel has made a recommendation to the Secretary of State that Mr Justin Scarlett should not be the subject of a prohibition order. The panel has recommended that the finding of a relevant conviction should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Scarlett 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
 - not undermining...the rule of law...

The panel has noted that “although Mr Scarlett’s actions took place outside the education setting, the actions were contrary to the Teachers’ Standards, could have had an impact on the safety or security of members of the public and would be likely to affect public confidence in the teaching profession.”

The findings of misconduct are serious as they include a finding of a relevant conviction for a serious driving offence involving alcohol.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Scarlett, 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 does not mention having considered any evidence that Mr Scarlett’s behaviour placed the safety and wellbeing of his pupils in jeopardy. However the panel has commented that his actions “could have had an impact on the safety or security of members of the public.”

I have also taken into account the panel’s comment that it had “found some evidence of Mr Scarlett’s insight into his actions”. I have given this element some 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 Scarlett was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction of a serious driving offence involving alcohol in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Scarlett himself. In this case, the panel has not commented on Mr Scarlett’s record as a teacher or his contribution to the education sector.

A prohibition order would prevent Mr Scarlett 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 mitigating factors. In particular, I have noted the panel’s finding that “There was evidence from Mr Scarlett’s oral testimony to suggest that Mr Scarlett was acting under extreme duress, for example, the fact that he felt he was subject to a physical threat or significant intimidation.” The panel has said that it “reviewed the submitted photographs and concluded, on the balance of probabilities, that they did relate to [REDACTED] Mr Scarlett cited as mitigation for his drunk driving, acknowledging the seriousness of the depicted injuries and agreeing that he acted under extreme duress.”

I have also placed considerable weight on the panel’s finding that “Taking into account the nature and severity of the behaviour and, having considered the extreme mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were

not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

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

Decision maker: David Oatley

Date: 1 August 2025

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