



Teaching
Regulation
Agency

Mr Nicholas Smalley: Professional conduct panel outcome

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

January 2026

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

Teacher: Mr Nicholas Smalley
TRA reference: 23177
Date of determination: 29 January 2026
Former employer: Wimbledon Park Primary School, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 and 29 January 2026 by way of a virtual hearing, to consider the case of Mr Smalley.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Cathryn Tillman (lay panellist) and Ms Lucy Childs (teacher panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Callum Heywood of Browne Jacobson LLP solicitors.

Mr Smalley 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 Hearing dated 13 November 2025.

It was alleged that Mr Smalley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a peripatetic drum teacher at Wimbledon Park Primary School (the 'School'):

1. He consumed alcohol whilst on school premises and/or teaching pupils on or around 11 December 2023.
2. He smelled of alcohol whilst on school premises and/or teaching pupils on or around 11 December 2023
3. His conduct as may be found proven at allegation 1 above placed one or more pupils at risk of harm

Mr Smalley denied allegations 1 and 3 and admitted allegation 2 and that this would amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Summary of evidence

Documents

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

Section 1: Correspondence – pages 4 to 15

Section 2: TRA Witness Statement – pages 17 to 23

Section 3: TRA Documents – pages 25 to 53

Section 4: Teacher Response – pages 56 to 68

In addition, the panel agreed to accept the following:

- A three page email chain between the presenting officer and Mr Smalley's [REDACTED] for the purpose of considering the preliminary application to proceed in Mr Smalley's absence.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional document 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 May 2020.

Witnesses

The panel heard oral evidence from the following witness 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.

On 1 November 2019, Mr Smalley commenced his employment at Wimbledon Park Primary School (the 'School') as a peripatetic drum teacher.

On 11 December 2023, Witness A [REDACTED] entered a room where Mr Smalley was teaching a drum lesson with a pupil and it was alleged that Mr Smalley smelled, and was under the influence, of alcohol.

On 12 December 2023, Mr Smalley's employment at the School was terminated.

On 8 February 2024, the matter was referred to the TRA.

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:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a peripatetic drum teacher at Wimbledon Park Primary School (the "School"):

- 1. You consumed alcohol whilst on school premises and/or teaching pupils on or around 11 December 2023.**

Mr Smalley denied allegation 1.

The panel had sight of, and considered, Witness A's contemporaneous written statement dated 12 December 2023 which recorded her stating that at approximately 2pm a pupil had left the upstairs area, and she was searching for the pupil. Witness A stated that she walked into the Long Room where drum lessons took place and noticed a "*very strong smell of alcohol immediately*". Witness A stated that she told [REDACTED], the School's

[REDACTED], about her concerns. Witness A stated that she and [REDACTED] returned to the Long Room and there was a pupil present in the room, but Mr Smalley was not there when they arrived.

After Mr Smalley returned to the Long Room, Witness A stated that she told Mr Smalley that the Long Room “*smelled of alcohol*” and that “*it looked like he had been drinking*”. Witness A stated that Mr Smalley looked “*shocked*”. Witness A stated that she asked Mr Smalley, “*have you been drinking here today*” to which he said “*yes*”. Witness A stated that she said to Mr Smalley that he could not be at the School under the influence of alcohol and Mr Smalley had said “*sorry, sorry, sorry*”.

The contemporaneous written statement recorded Witness A stating that Mr Smalley took “*some time*” to gather his belongings and that he was “*spaced out*” and kept pausing. Witness A stated that she saw a can of Red Bull on top of the piano and a large 500ml bottle of tonic water on the piano which “*contained clear liquid and had just under a half left*”.

Witness A stated that she and [REDACTED] searched the Long Room after Mr Smalley left the School premises for any alcohol but did not find any. Witness A stated she then opened the door because the room smelled “*very strongly of alcohol still.*”

The panel considered Witness A’s written witness statement dated 3 June 2025 and oral evidence at the hearing which was consistent with her contemporaneous statement dated 11 December 2023. In Witness A’s witness statement, she stated that Mr Smalley was present the first time she entered the Long Room and that Mr Smalley looked “*shocked to see me*” and “*slightly disorientated*”. Witness A stated she was “*concerned by his demeanour and believed him to be intoxicated*” and her evidence was consistent that she asked Mr Smalley directly “*Have you been drinking in here today?*” and he answered that he had.

Witness A further stated in her witness statement that when Mr Smalley left the Long Room, he “*took with him a large 500ml bottle labelled tonic water*”. Witness A asked Mr Smalley what the contents of the bottle were to which he replied that it was water. Witness A confirmed in her witness statement, “*I did not ask to him to remove the lid to let me smell the contents*”.

The panel considered Witness A to be an honest, truthful and compelling witness. The panel tested Witness A’s evidence in questioning and asked if she was certain that Mr Smalley understood her question when she had asked him, “*Have you been drinking in here today?*”. Witness A accepted that she didn’t think Mr Smalley “*had capacity to understand what was going on*” as he was “*absolutely plastered and not coherent in anything*”.

Witness A was also asked about Mr Smalley's timetable to determine whether it was possible Mr Smalley could have consumed alcohol earlier in the day, before he was on School premises or teaching pupils. Witness A accepted that she knew "*a bit but not lots*" about his timetable and she thought he used to arrive "*mid-morning*". Witness A was unable to confirm with certainty whether Mr Smalley would have had a break before she saw him at 2pm or if he would have had an opportunity to leave the School premises. Witness A indicated in her oral evidence that she suspected "*he taught all the way through as drums was a busy and popular offering with a waiting list*".

The panel considered the written evidence of Mr Smalley who stated in an email dated 2 October 2024, "*I did arrive smelling of alcohol, however, I did not take it into the school. The plastic tonic bottle was filled with water (sometimes cordial), if it had have been alcohol I wouldn't have openly left it on the table. I think several of my students would vouch that I always brought water to lessons in the same yellow tonic bottle*".

In Mr Smalley's written response to the Notice of Hearing dated 3 March 2025 he admitted "*alcohol on the breath*" but denied that he had consumed alcohol on school premises and/or teaching pupils on or around 11 December 2023.

Mr Smalley's evidence remained consistent in denying this allegation and in an email dated 24 November 2025, he stated, "*At no point were my belongings—my bag or the water bottle I carried—checked for alcohol, and I am not willing to defend supposition presented as fact. The only confirmed and acknowledged issue was alcohol on my breath*".

The panel noted the consistent denial from Mr Smalley in respect of this allegation and the acceptance by Witness A that it was possible he didn't understand the question that she was putting to him when she asked if he had consumed alcohol in the Long Room on 11 December 2023. Whilst the panel accepted Witness A's evidence that Mr Smalley was under the influence of alcohol, there was insufficient evidence that he had consumed any alcohol on the School premises or whilst teaching pupils on 11 December 2023. The panel also noted that they had no convincing evidence that he had alcohol with him on the School premises that day.

The panel therefore found allegation 1 not proven.

2. You smelled of alcohol whilst on school premises and/or teaching pupils on or around 11 December 2023

Mr Smalley admitted allegation 2. Notwithstanding his admission, the panel went on to make a determination as to the facts.

The panel again considered the written and oral evidence of Witness A who stated that on 11 December 2023, Mr Smalley "*smelled of alcohol*" and that she could continue to smell alcohol on him when she and Mr Smalley had left the Long Room together.

During her oral evidence, Witness A confirmed that the Long Room was “*long and narrow with no ventilation and I could smell a really strong smell of alcohol*”. Witness A further explained that after Mr Smalley had left the School premises, she returned to the Long Room to look for any evidence of alcohol and “*the smell was the same, I had to air it out as there was still a smell lingering in the room...I believe it must have been a strong smell still*”. The panel tested Witness A’s evidence during questioning and asked if the smell could have been from the open can of Red Bull to which she replied, “*definitely not. Red Bull has a very distinctive smell and the room just smelled of alcohol, of booze*”.

The panel noted the written evidence from Mr Smalley dated 2 October 2024 in which he admitted, “*I did arrive smelling of alcohol*”. Mr Smalley’s written response to the Notice of Hearing dated 3 March 2025 admitted “*alcohol on the breath*” and in an email dated 24 November 2025, he stated, “*I wish to acknowledge - as I have already stated - that I was dismissed on the grounds of having alcohol on my breath. I have never attempted to dispute that fact, and I take responsibility for it*”.

Having considered the evidence before it, the panel found that there was sufficient evidence to find that Mr Smalley smelled of alcohol whilst on school premises and/or teaching pupils on or around 11 December 2023.

The panel therefore found allegation 2 proven.

3. Your conduct as may be found proven at allegation 1 above placed one or more pupils at risk of harm

Mr Smalley denied allegation 3.

As the panel did not find Mr Smalley’s conduct proven at allegation 1, it was not able to make a finding that such conduct would have placed one or more pupils at risk of harm.

The panel therefore found allegation 3 not proven.

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

Having found allegation 2 proved, the panel went on to consider whether the facts of that proved allegation amounted to unacceptable professional conduct.

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 Smalley, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Smalley 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 proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- 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 Smalley'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 were relevant. The panel considered whether the conduct found proven could amount to "*serious offences involving alcohol*". The panel determined Mr Smalley's conduct was unlikely to meet this threshold as it only concerned personal use of alcohol and the LADO ASV Meeting Record dated 19 December 2023 determined "*Police do not think that is is proportionate to progress this matter criminally. There is no information to suggest children have been directly impacted by this incident and no specific support needs have been noted*".

The panel accepted Witness A's evidence that the room Mr Smalley had been teaching in smelled "*very strongly of alcohol*" indicating that he must have smelled very strongly of alcohol himself in the absence of any evidence of alcohol in the room. The panel considered the fact that Mr Smalley was in a room alone with a pupil whilst smelling so strongly of alcohol amounts to misconduct of a serious nature.

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

In relation to whether Mr Smalley'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 Smalley'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 Smalley was guilty of unacceptable professional conduct, the panel found that none of these offences were relevant.

The panel considered that Mr Smalley's conduct could potentially damage the public's perception of a teacher as the public would not expect a teacher to be on school premises or teaching pupils whilst smelling so strongly of alcohol.

For these reasons, the panel found that Mr Smalley'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, the declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Smalley, which involved smelling of alcohol whilst on the School's premises and whilst teaching pupils, there was a strong public interest consideration in the safeguarding and wellbeing of pupils, maintenance of public confidence in the profession and declaring and upholding proper standards of conduct given that his conduct fell below the standards expected of teachers by the public.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Smalley in the profession. The panel decided that there was a public interest consideration in retaining Mr Smalley in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. The panel noted that it would be a loss to schools to lose the specialist teaching provision which Mr Smalley offers which develops pupils' learning through extracurricular activities.

The panel considered the oral evidence provided by Witness A that Mr Smalley was "*really friendly and very nice*" and when asked if his demeanour on 11 December 2023 was out of character, she responded "*absolutely*". Witness A also confirmed in her oral evidence that Mr Smalley's drum lessons were "*busy and a popular offer with a waiting list as the pupils loved it*".

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 Smalley.

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; and
- abuse of position or trust (particularly involving pupils).

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 evidence that Mr Smalley's actions were deliberate. However, the panel accepted that Mr Smalley's decision making and judgement was impacted by a number of personal pressures at the time of the misconduct.

There was no evidence to suggest that Mr Smalley was acting under extreme duress.

Mr Smalley had a long previous history of teaching over 27 years without issue. The panel was not aware of any evidence to suggest that Mr Smalley had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector. The panel did, however, accept that the incident on 11 December 2023 appeared to be out of character on the evidence it had.

The panel noted the significant mitigation set out by Mr Smalley in his written representations which explained why his behaviour and decision making was impacted at the time he committed the misconduct. Mr Smalley explained that he was going through a difficult time [REDACTED]. In his written evidence, Mr Smalley also said that he was extremely busy with work with his teaching and also performing during the evenings. Mr Smalley stated that he was also [REDACTED]. Mr Smalley stated that this contributed [REDACTED] in the weeks leading up to the incident.

Mr Smalley further said that in hindsight, he recognised he should have taken some time off. Mr Smalley stated in his evidence that after he left teaching, he completed a local treatment course for alcohol use. Mr Smalley further stated that he has had a good record during his 27 years of teaching, and the panel accepted that he showed remorse for what had happened when he stated, *"I'm not infallible and I am very apologetic about the incident at WPPS"*.

The panel considered that Mr Smalley's lapse of judgement on 11 December 2023 appeared to be isolated and limited to only one incident. The panel was conscious of the wider context which was relevant to his impaired judgement in attending the School premises and teaching pupils whilst smelling of alcohol. Mr Smalley's written representations showed clear insight into the triggers and pressures that led to his poor decision making on this date. Although Mr Smalley's conduct was inevitably disruptive to the School, there was no evidence of any harm caused to pupils and it appeared to be an isolated incident limited to a very short period of time.

The panel was satisfied that Mr Smalley would be able to recognise the triggers and external pressures in the future and be able to seek out support to avoid a similar situation reoccurring and the local treatment course may be able to provide him with support. In his written representations, Mr Smalley stated *"In the past several years I have engaged extensively in recovery work through STAR in Hastings, and have been fully rehabilitated"*. The panel therefore identified that there was a low risk of repetition as Mr Smalley had learnt from his actions.

The panel also took into account the fact that Mr Smalley had openly admitted to having “*alcohol on his breath*” as soon as the allegations were put to him which is consistent with the only allegation of misconduct that the panel found proven. Mr Smalley’s written representations confirmed, “*I have never attempted to dispute that fact, and I take responsibility for it*”. The panel therefore concluded that the misconduct, although serious, had important and particular mitigating features which allowed the panel to contextualise the nature and severity of Mr Smalley’s actions. Although the panel could not test Mr Smalley’s evidence at the hearing, it accepted his written representations at face value.

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. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel was of the view that prohibition was not proportionate and publication of the adverse findings was a less intrusive measure which it could use without unacceptably compromising the achievement of the objectives in relation to public confidence and standards. Taking all of the circumstances into account, the panel decided that the public interest considerations weighed against prohibition.

The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to Mr Smalley as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of the maintenance of public confidence in the profession and the declaring of 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has found some of the 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 the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Nicholas Smalley 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 proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- 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 Smalley fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher attending school premises and teaching pupils whilst smelling of alcohol.

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 Smalley, 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 this observation:

“In light of the panel’s findings against Mr Smalley, which involved smelling of alcohol whilst on the School’s premises and whilst teaching pupils, there was a strong public interest consideration in the safeguarding and wellbeing of pupils...”

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:

“Mr Smalley stated in his evidence that after he left teaching, he completed a local treatment course for alcohol use. Mr Smalley further stated that he has had a good record during his 27 years of teaching, and the panel accepted that he showed remorse for what had happened when he stated, *“I’m not infallible and I am very apologetic about the incident at WPPS”*.

The panel considered that Mr Smalley’s lapse of judgement on 11 December 2023 appeared to be isolated and limited to only one incident. The panel was conscious of the wider context which was relevant to his impaired judgement in attending the School premises and teaching pupils whilst smelling of alcohol. Mr Smalley’s written representations showed clear insight into the triggers and pressures that led to his poor decision making on this date.”

The panel also offers these comments:

“The panel was satisfied that Mr Smalley would be able to recognise the triggers and external pressures in the future and be able to seek out support to avoid a similar situation reoccurring and the local treatment course may be able to provide him with support. In his written representations, Mr Smalley stated *“In the past several years I have engaged extensively in recovery work through STAR in Hastings, and have been fully rehabilitated”*. The panel therefore identified that there was a low risk of repetition as Mr Smalley had learnt from his actions.

The panel also took into account the fact that Mr Smalley had openly admitted to having *“alcohol on his breath”* as soon as the allegations were put to him which is consistent with the only allegation of misconduct that the panel found proven. Mr Smalley’s written representations confirmed, *“I have never attempted to dispute that fact, and I take responsibility for it”*. The panel therefore concluded that the misconduct, although serious, had important and particular mitigating features which allowed the panel to contextualise the nature and severity of Mr Smalley’s actions. Although the panel could not test Mr Smalley’s evidence at the hearing, it accepted his written representations at face value”.

In my judgement, the evidence of insight and remorse found by the panel, and its assessment that this behaviour constituted a one-off, isolated incident, means that the

risk of the repetition of this misconduct is limited. I have therefore 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 comments as follows:

“The panel considered that Mr Smalley’s conduct could potentially damage the public’s perception of a teacher as the public would not expect a teacher to be on school premises or teaching pupils whilst smelling so strongly of alcohol.”

I am particularly mindful of the finding of a teacher attending school while smelling of alcohol in this case and the negative impact that such a finding may have on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Smalley himself. The panel provides this observation:

“Mr Smalley had a long previous history of teaching over 27 years without issue. The panel was not aware of any evidence to suggest that Mr Smalley had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector. The panel did, however, accept that the incident on 11 December 2023 appeared to be out of character on the evidence it had.”

A prohibition order would prevent Mr Smalley 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 concluding comments:

“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. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating

factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel was of the view that prohibition was not proportionate and publication of the adverse findings was a less intrusive measure which it could use without unacceptably compromising the achievement of the objectives in relation to public confidence and standards. Taking all of the circumstances into account, the panel decided that the public interest considerations weighed against prohibition.

The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to Mr Smalley as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of the maintenance of public confidence in the profession and the declaring of proper standards of the profession.”

In particular, I have noted the panel’s assessment that while the misconduct found in this case constituted behaviour that fell well below the standards expected of the profession, it was at the lower end of the spectrum of possible seriousness. I have also placed weight on the panel’s finding that it represented a one-off transgression in a 27 year-long teaching career, and that the risk of repetition appears to be low given the evidence of insight provided to it by Mr Smalley.

For these reasons, and taking all of the circumstances of this case into account, 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 'M. Cavey', enclosed within a hand-drawn oval border.

Decision maker: Marc Cavey

Date: 2 February 2026

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