



Teaching
Regulation
Agency

Mr Matthew Oyitch: Professional conduct panel hearing 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 Matthew Oyitch
Teacher ref number:	2457220
Teacher date of birth:	25 April 1995
TRA reference:	21301
Date of determination:	30 January 2026
Former employer:	Build A Future Independent School, Boston

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened from 19 January 2026 to 30 January 2026 by way of a virtual hearing, to consider the case of Mr Matthew Oyitch.

The panel members were Mr Terry Hyde (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Rosemary Joyce (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officers for the TRA were Mr Mark Millin from 19 January 2026 and Mr Lee Bridges for 28 and 29 January 2026, both instructed by Kingsley Napley LLP solicitors.

Mr Oyitch was not present and was not represented.

The hearing took place in public, save that portions of the hearing were heard in private, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 17 September 2025.

It was alleged that Mr Oyitch was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Build a Future Independent School (“the School”):

1. Between 28 September 2020 and 28 January 2021, he:
 - a. Engaged in and/or allowed inappropriate behaviour with pupils as set out in Schedule 1;
 - b. Used and/or allowed inappropriate language around and/or about pupils, as set out in Schedule 2;
 - c. Asked Colleague C if she knew any “black jokes”.
 - d. Engaged in the inappropriate behaviour as set out in Schedule 3.
2. By reason of his conduct at allegations 1a and/or 1b, he did not safeguard the welfare of pupils.

Schedule 1

- i. You allowed a member of staff, namely Colleague A, to lie on Pupil B;
- ii. You threw stones at or near pupils;
- iii. You threw and/or allowed the throwing of aerosols on a fire;
- iv. You threw eggs at or near pupils;
- v. You sprayed a fire extinguisher in a room where other colleagues were, when this was not required.

Schedule 2

- i. You called Pupil F “fat tits”, or words to that effect;
- ii. You referred to and/or allowed other staff to refer to pupils as “mong” and/or “mong face”, or words to that effect;
- iii. You allowed Colleague D to call pupils “window lickers” and/or “spastics” and/or “soft cunts”, or words to that effect and/or laughed whilst Colleague D said this;

- iv. You referred to and/or allowed others to say, “special bastard” and/or “retard” and/or “spastics”, or words to that effect;
- v. You referred to and/or allowed other staff to say, “horse fucker”, or words to that effect;
- vi. You told one or more pupils that you had sex with their mothers.

Schedule 3

- i. You threw eggs at Colleague B;
- ii. You filled Colleague B’s water bottle with dirt and hung it up so that she could not reach it, or allowed this to happen

Mr Oyitch denied allegation 1(a) apart from the conduct set out in Schedule 1 paragraph (i) to which he made no admissions and paragraph (v) to which he admitted the facts. Mr Oyitch further denied allegations 1(b), 1(c), 1(d), 2 and 3 Schedule 3, paragraph (i). Mr Oyitch made no admissions in relation to allegation 3, Schedule 3, paragraph (ii).

Mr Oyitch denied that his conduct set out in allegation 1(a) Schedule 1 paragraph (v) amounted to unacceptable professional conduct and/or 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: Chronology, list of key people and anonymised person list – pages 9 to 13

Section 2: Notice of hearing and response – pages 14 to 46

Section 3: TRA witness statements – pages 47 to 102

Section 4: TRA documents – pages 103 to 1270

Section 5: Teacher documents – pages 1271 to 1312

Service Bundle for [REDACTED]– pages 1313 to 1357

Service Bundle for Mr Matthew Oyitch – pages 1358 to 1396

Service Bundle for [REDACTED]– pages 1397 to 1447

Service Bundle for [REDACTED] – pages 1448 to 1498

Application to adduce hearsay – pages 1499 to 1819

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

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 B – [REDACTED]

Witness C – [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 15 October 2018, Mr Oyitch commenced employment as a tutor at the School.

On 28 January 2021, a police investigation commenced as a result of anonymous whistleblowing allegations made against [REDACTED], Mr Oyitch and [REDACTED]. On 3 February 2022, Collinson Grant (previously Watershed) was instructed to conduct an internal investigation into [REDACTED], Mr Oyitch and [REDACTED] following the police investigation. Witness A carried out this investigation. Following these investigations, allegations against Mr Oyitch came to light, which included Mr Oyitch allegedly engaging in inappropriate behaviour with pupils, including allegedly throwing eggs and stones at pupils, swearing at pupils, throwing eggs at staff and failing to adequately safeguard the pupils at the School.

On 17 November 2022, the matter was referred to the TRA.

The panel noted that [REDACTED] were also facing allegations before this professional conduct panel hearing.

Findings of fact

The findings of fact are as follows:

The panel considered all the evidence, including Mr Oyitch's statement in response to the TRA dated 29 August 2024 ("written statement"), the first police record of interview with Mr Oyitch dated 27 January 2021, the second police record of interview with him dated 24 March 2021, the notes of the meeting with Witness A and Mr Oyitch on 25 March 2022 ("the investigation meeting notes"), the email from him on 31 May 2022 and his transcript amendments to the investigation meeting notes on 31 May 2022 and 27 June 2022.

The panel noted Mr Oyitch did not attend the hearing to give evidence.

The panel considered Mr Oyitch's written statement in response to the TRA dated 29 August 2024. He explained that the situation had been very difficult for him, noting that being accused of certain actions, particularly when he had already given his account in prior interviews or investigations, was not an easy experience. He said he has always considered himself a good person. [REDACTED]. He also stated that he has taken part in multiple charity events and fundraisers to support those less fortunate, including Help for Heroes, Cancer Research, Mind, and Andy's Man Club. He stressed that such allegations were not in his nature.

Mr Oyitch added that one of the most important points he wished to raise was that he was never prosecuted or charged by the police or the Crown Prosecution Service as a result of the allegations. No criminal charges were ever brought against him, meaning he remains an individual of good standing and reputation. He explained that the second interview he attended was undertaken voluntarily under caution so he could give his account and address the allegations. None of his answers were "*no comment*".

He stated that he would often find himself with more learners than he was timetabled to have. Learners frequently left other, less strong teachers' classes to come into his classroom, either to calm down and regulate their emotions or because they did not have the same rapport with other teachers. He explained that many learners faced challenging home lives, mental health difficulties, or medical issues, and that working there presented many challenges. He noted that he had been rated a "*Good*" teacher and had contributed to the school's "*Good*" Ofsted rating.

He wrote that during his time at the school; he always tried to go above and beyond for learners. For those nearing the end of their placement, he organised sessions to help them prepare for their next steps in education. He assisted with college and apprenticeship applications, helped them draft personal statements, and even contacted colleges to chase start dates, application progress, and potential interviews. He stressed

that none of this formed part of his formal job description; he did it because he cared and wanted to support the learners as best he could.

Mr Oyitch also wrote that all learners at the school required a less traditional teaching environment due to behavioural difficulties, permanent exclusion from mainstream schools, or because they had developmental challenges requiring specialist educational provision. Learners, therefore, had individual and complex needs that required tailored support to help them reach their full potential. Learners were encouraged to express themselves freely so long as they were safe and developing socially, emotionally, and academically, and they had more freedom than would be typical in a mainstream setting.

He stated that although he denies the allegations, he recognised that some aspects of the school environment could be misconstrued as wrongdoing when judged against mainstream educational standards. Because of the nature of the school and the complexity of learners' needs, staff had to adopt a multifaceted approach, including needs-based support, empathy, patience, and, critically, humour. He explained that it would make no sense to carry out the role in the same way as a mainstream teacher, as this would replicate the same environment the learners had previously struggled in.

Mr Oyitch also noted that, up until the allegations, no complaints or concerns had ever been raised about his work. He additionally observed that the school had remained open throughout the COVID-19 pandemic to ensure that the most vulnerable learners retained access to education and social interaction during an uncertain and difficult time, something he believed was of huge benefit to those who attended.

The panel also noted the character references for Mr Oyitch contained within the bundle. The panel observed that for some of the references, it was unclear whether the authors were aware of the allegations, and further, that the documents were unsigned.

The panel considered the written and oral evidence of Witness B, who explained that she began recording the events at the School. The panel noted that Witness B [REDACTED] and that [REDACTED]. Accordingly, anything Witness B witnessed occurred during the relevant period.

The panel questioned Witness B in her oral evidence about when and how she made her notes. The panel considered that some of the notes were contemporaneous, having been written on the day of the incident. Witness B's evidence was that she made notes as events occurred, but that some were written at the end of the day, and others were written slightly later. The panel considered the handwritten notes and noted that some were dated, and some were not, consistent with her account that some were made immediately and others retrospectively. They also noted that several entries stated, '*date not known*', which further indicated that not all notes were written on the day of the incident. The panel were therefore satisfied that they could attach weight to these notes.

The panel also noted that Witness B confirmed in her oral evidence that she made these notes around the third week of September.

The panel considered Witness B to be a credible witness.

The panel considered the written evidence of Witness D, who explained that she had also begun collecting evidence in preparation for providing a statement to the police, and that she had recorded these during the week she was invited to give a statement to the police. The panel noted that, in her oral evidence, Witness D was not clear about whom she had collated the evidence for, and this was prepared during the relevant period (January 2021). The panel considered that, given the passage of time, it was likely that she experienced some minor difficulty recalling precisely when in 2021 she had collated this material.

The panel noted that Witness D commenced her employment in [REDACTED] and that Mr Oyitch was arrested and ceased teaching on around 28 January 2021. Accordingly, anything Witness D witnessed occurred during the relevant period.

The panel also considered Witness D to be a credible witness.

The panel considered both the written and oral evidence of Witness B and Witness D, which were consistent with each other and aligned with their contemporaneous notes. The panel found Witness B and Witness D to be credible witnesses and therefore preferred their evidence wherever there was a factual dispute.

The panel noted that their evidence was consistent with the other accounts regarding the prevailing culture at the School.

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

Whilst working as a teacher at Build a Future (“the School”):

1. Between 28 September 2020 and 28 January 2021, you:

- a. Engaged in and/or allowed inappropriate behaviour with pupils as set out in Schedule 1;**

Schedule 1

i. You allowed a member of staff, namely Colleague A, to lie on Pupil B;

Mr Oyitch denied the conduct in relation to allegation 1(a), Schedule 1, paragraph (i).

The panel considered the statement of Mr Oyitch. In that written statement, he explained that “*how learners interact with each other would differ and change at the drop of a hat.*”

They would argue, bicker, physically fight, torment, and throw objects and furniture at each other just to name a few.” In response to the allegation that he permitted other staff members to lie on top of learners, Mr Oyitch stated that this was not “*something [he] had ever witnessed whilst employed at the school*”. He wrote that learners would often become over-excited during playfighting and had, on occasion, “*piled on one another so to speak*”. However, he stated that he had never witnessed a staff member being involved in such conduct. He confirmed that, had he observed such behaviour by staff, he would have reported it to the school’s designated safeguarding lead.

The panel notes that colleague A was [REDACTED].

The panel considered Witness B’s handwritten notes and noted there was a reference to [REDACTED] lying on top of boys and pretending to have sex with them.

The panel considered the written and oral evidence of Witness B, who stated that she saw [REDACTED] “*lying on a student, moving his body up and down, simulating having sex*”. Witness B further stated that [REDACTED] also pulled Pupil B’s ears and stood on Pupil B’s toes. Witness B stated that Individual A, [REDACTED] and Mr Oyitch were present at this time. Witness B stated that [REDACTED] and Mr Oyitch were present at the time and “*did not discourage [REDACTED] behaviour*” and “*found it funny*”. The panel noted that Witness B stated that she wrote a note of this incident on the same day.

The panel found Witness B a reliable witness.

The panel considered Witness B’s statement to the police dated 11 February 2021, which did not record this alleged incident. However, the panel accepted that police statements often follow police-led questioning, and that Witness B had stated she provided her own notes of concerns, which did refer to this incident, even if the full details were not recorded in the police statement.

The panel considered [REDACTED] written statement to the police dated 17 January 2021, in which he stated that he had occasionally been involved in “*pile-ons*” at School with both staff and students.

The panel noted that Witness 8 in their police witness statement said that [REDACTED], Mr Oyitch and [REDACTED] “*pile[d]*” on top of a child on more than one occasion. Witness 8 further commented that sometimes the pupil got hurt and that it went “*too far*”. The panel noted that they did not know who Witness 8 was and therefore placed limited weight on this evidence. However, they observed that it supported Witness B’s evidence.

The panel had sight of the police witness statement of Witness 11, a pupil at the School, dated 12 February 2021. Witness 11, in their police witness statement, explained that the number of staff and pupils present at the time determined how many people then “*piled*” on a pupil. Witness 11 stated that when the pupils said this was hurting them or asked the teachers to get off them, the teachers called the pupils “*childish*” or told them to “*grow*”

a pair". The panel noted that they did not know who Witness 11 was and therefore placed limited weight on this evidence. However, they observed that it supported the evidence given by Witness B.

The panel again considered the police interview transcript of [REDACTED], dated 27 January 2021, in which he was recorded as stating that he would "*immediately*" intervene and ask to speak with the teacher if he saw a teacher acting inappropriately towards a pupil and report that teacher.

The panel also considered that during his statement, he stated that "*some of the learners can exhibit violent behaviour towards each other or members of staff. Staff are trained in how to de-escalate such situations and teach the learners to express their feelings without using aggression*".

The panel considered the police interview transcript of [REDACTED] dated 27 January 2021, which recorded that, when asked whether she had ever seen any staff do anything to the children, [REDACTED] responded, "*no*".

On the balance of probabilities, the panel did not find that Mr Oyitch personally engaged in inappropriate behaviour.

The panel did find, on the balance of probabilities, that Mr Oyitch allowed inappropriate behaviour to occur, as described, by allowing colleague A to lie on Pupil B. The panel noted that Mr Oyitch was present, did not discourage the behaviour, and was described as laughing. The panel further noted that [REDACTED] admitted to lying on pupils during at least one "*pile on*", and that the evidence of Witness B, supported by other witnesses, indicated that this occurred with Pupil B.

The panel also noted that Witness B was employed at the School at the relevant time and that Mr Oyitch, allowing a colleague to lie on a pupil, for any reason, was inappropriate, particularly where he laughed, did nothing to stop the behaviour, and failed to report it.

The panel, therefore, found allegation 1(a), Schedule 1 paragraph (i) proven.

ii. You threw stones at or near pupils;

Mr Oyitch was recorded denying allegation 1(a), Schedule 1, paragraph (ii) in his police interview transcript dated 27 January 2021.

The panel had sight of the transcript of Pupil E's interview with the police, which took place on 17 February 2021. In the interview, Pupil E said that there was "*banter*" at the School with "*things been thrown*" at pupils.

The panel considered Witness B's handwritten notes dated 25 November 2020, in which she stated that [REDACTED], Mr Oyitch, [REDACTED] and Individual B were throwing

stones and eggs at the pupils and called them “*window lickers*” “*spastics*” and “*soft cunts*”.

The panel had sight of a police witness statement of Witness 6, who worked for the School, dated 16 February 2021. Witness 6 stated that on one occasion, she saw [REDACTED] staff members throwing “*rocks*” at the pupils. Witness 6 further stated that there was one occasion where a pupil was trapped in a corner whilst staff members and other pupils “*pelted*” [REDACTED] with stones, causing [REDACTED] to be “*cowering*”.

The panel then considered the written and oral evidence of Witness D, who stated that on more than one occasion, she saw [REDACTED], Mr Oyitch and [REDACTED] take part in a game with students where the pupils stood in a circle, took it in turns to throw stones up in the air and then duck. The panel noted that Witness 17’s evidence within their police statement was consistent with this. Witness D stated that on one occasion, [REDACTED] put stones in Witness D’s hand and said, “*now you are involved*”. Witness D stated that she dropped the stones and walked away. The panel considered the oral evidence of Witness D, who explained that the game was similar to a game from TikTok.

Witness D stated that there was another occasion where the pupils were “*running along the dyke with [REDACTED], Mr Oyitch and [REDACTED] throwing stones at the pupils*”.

The panel found Witness D a credible witness.

The panel had sight of Individual A’s police witness statement, in which she explained that she began working for the School on [REDACTED]. Individual A stated that on her first day, after lunch, she saw pupils throwing stones at each other. Individual A stated that she also saw [REDACTED] and another [REDACTED] staff member were “*picking big stones up and throwing them towards the [pupils]*.” Individual A stated that she and another colleague asked the three [REDACTED] staff members why they were throwing stones, and they responded that the pupils “*needed it*” and “*needed the release*”. Individual A stated that she then asked what would happen if a stone hit a pupil on the head and was told “*what happens in BAF stays in BAF*”.

The panel had sight of Individual A’s police investigation witness statement, in which she stated that at the end of term, near Christmas, there was a dumper truck and a cherry picker on the School’s site. Individual A stated that [REDACTED] and Mr Oyitch permitted the pupils to go on the cherry picker without helmets or harnesses and raised the cherry picker “*as high as they could*”. Individual A stated that they then climbed onto the roof, and that [REDACTED] and Mr Oyitch threw stones, eggs and tomatoes at the children.

The panel then considered [REDACTED] police interview transcript dated 27 January 2021, which recorded him stating that there were occasions when pupils were upset and outside, they grabbed the stones and threw them at windows, and staff had to intervene.

[REDACTED], in his police interview transcript dated 27 January 2021, was recorded explaining that during lockdown, the pupils had been planting flowers and fruit at the bottom of the garden. [REDACTED] had stated that between 2 pm and 2.30 pm, the pupils would stop working, and [REDACTED] would place a cup on top of a totem pole and tell the pupils to try and hit the cup with shingle gravel. [REDACTED] further stated that he also put a motorcycle helmet on top of a post. [REDACTED] had stated that the pupils were all [REDACTED] and that he believed everybody was safe. [REDACTED] further stated that no one got hurt. [REDACTED] stated that other staff members also threw stones at the mug and helmet. The panel noted that the transcript of Mr Oyitch's interview with the police, dated 24 March 2021, appeared to be consistent with [REDACTED] police interview transcript in that there was a game where pupils threw stones to hit a helmet and cup.

The panel had sight of Witness 16's police witness statement dated 9 February 2021, where they stated that, on one occasion, [REDACTED] and Mr Oyitch threw stones at the pupils and [REDACTED] pulled the trousers of one of the pupils and put stones in them.

The panel then considered the police interview transcript of [REDACTED], dated 27 January 2021, which recorded [REDACTED] stating that a game took place at the bottom end of the school between the pupils, during which they would throw stones into the air, and that everybody would stand still underneath it. [REDACTED] had stated that the staff who were present had been "*giggling*".

The panel then considered Mr Oyitch's written evidence, where he explained that the car park and outdoor areas were covered with gravel and stones. Mr Oyitch stated that, on more than one occasion, the pupils had thrown stones at each other. Mr Oyitch stated that on some occasions, the pupils did so whilst laughing, and that it led to harm on other occasions. Mr Oyitch stated that he always challenged the pupils and attempted to prevent them from throwing stones at each other. The panel noted that Mr Oyitch's police interview transcript dated 27 January 2021 appeared consistent with his evidence.

Based on the contemporaneous notes and oral evidence of Witness B and Witness D, and numerous statements, the panel found, on the balance of probabilities, that Mr Oyitch threw stones at and near pupils and that this was inappropriate conduct.

Although Mr Oyitch denied throwing stones at pupils, the panel found that he did participate in throwing stones at or near pupils.

The panel, therefore, found allegation 1(a), Schedule 1 paragraph (ii) proven.

iii. You threw and/or allowed the throwing of aerosols on a fire;

Mr Oyitch denied allegation 1(a), Schedule 1, paragraph (iii).

Witness D stated in her witness statement that on one occasion, a fire was lit and a long tube was inserted into it. Witness D said that teachers dropped aerosols into the tube, and that [REDACTED], Mr Oyitch, or [REDACTED] was present. Witness D stated that she believed that all three of them were “*definitely*” there. Witness D stated that she was not certain whether [REDACTED] put aerosols in the fire on this occasion. Witness D stated that “*the aerosol popped and shot out from the tube, with everyone running away from it*”.

The panel had sight of Individual A’s police investigation witness statement. Individual A’s statement set out that staff members would allow pupils to throw “*WD40 cans*” into fires.

The panel considered [REDACTED] written statement to the police dated 9 April 2021, which recorded [REDACTED] stating that he had seen [REDACTED] sending various staff members to buy aerosols to throw on the fire. [REDACTED] further stated that the leadership team and [REDACTED] encouraged fires to keep pupils warm whilst outside during COVID.

The panel then considered the notes of the meeting between [REDACTED], and Witness A dated 23 March 2022. [REDACTED] stated that the fires occurred regularly, that [REDACTED] “*brought in*” aerosols and sent a member of staff to buy them, and that the carrier bag was to be used to throw them into the fire. [REDACTED] written statement also stated that the school's leadership encouraged this activity and regularly participated in it.

The panel had sight of Witness 3’s police statement, which recorded Witness 3 stating that on one occasion, [REDACTED] and Mr Oyitch were present at a bonfire which took place at the School. Witness 3 stated that [REDACTED] and Mr Oyitch stood around the fire with some of the pupils and “*openly encouraged*” the pupils to “*throw spent gas cannisters onto the fire*”.

The panel went on to consider the meeting notes of a meeting held by Witness A and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that the School started to have rats when rubbish was not collected due to the pandemic during the first lockdown (not during the relevant period). [REDACTED] stated that the rubbish was sorted into what was safe to burn, and that the staff built a fire pit with the help of the pupils. [REDACTED] stated that paper and cardboard were thrown into the fire. [REDACTED] further stated that the pupils were at least 20 feet from the fire.

The panel considered [REDACTED] written statement to the police dated 9 April 2021, which recorded [REDACTED] stating that he had seen [REDACTED] sending various staff members to buy aerosols to throw on the fire.

The panel then considered the notes of the meeting between [REDACTED], and Witness A dated 23 March 2022, which recorded [REDACTED] stating that there were regular fires at the School.

The panel went on to consider the written evidence of Mr Oyitch, who stated that he was not present at the time of the fire. Mr Oyitch explained that at the time, the School split pupils and staff into “houses” to prevent them from mixing due to COVID. Mr Oyitch stated that he was the P.E. tutor and his area was the School’s sports hall. Mr Oyitch explained that to get to the outside area where the fire was held, he needed to pass through other “houses” and further stated that he was not permitted to go to the area where the fire took place.

Having considered all the evidence, the panel found, on the balance of probabilities, that Mr Oyitch both threw and allowed others to throw aerosols onto the fire. The panel considered this behaviour inappropriate, as it was inherently unsafe. Mr Oyitch should have been able to identify the obvious health and safety risks associated with throwing aerosols onto a fire.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (iii) proven

iv. You threw eggs at or near pupils;

Mr Oyitch was recorded denying allegation 1(a), Schedule 1, paragraph (iv) in his police interview transcript dated 27 January 2021.

The panel reminded themselves of the evidence relating to the allegation which they had found proven in connection with Schedule 1 paragraph (ii) above.

The panel again considered the transcript of Pupil E’s interview with the police, which took place on 17 February 2021. In the interview, Pupil E said that there was “banter” at the School with “things been thrown” at pupils. Pupil E said there were also water fights at the School.

The panel also had sight of the transcript of Child Witness 2’s interview with the police, conducted on 17 February 2021. Child Witness 2 stated that eggs were thrown at them whilst they were at the School.

The panel again considered Witness B’s handwritten notes dated 25 November 2020, which stated that [REDACTED], Mr Oyitch, [REDACTED] and Individual B threw stones and eggs at the pupils and [REDACTED] called them “window lickers”, “spastics” and “soft cunts” whilst doing so.

The panel had sight of Individual A’s police witness statement in which she had stated that at the end of term, near Christmas, [REDACTED] and Mr Oyitch permitted the pupils to go on the cherry picker without helmets or harnesses and raised the cherry picker “as

high as they could". Individual A stated that when the pupils reached the roof, [REDACTED] and Mr Oyitch threw stones, eggs and tomatoes at them.

Individual A further stated that on another occasion, some time before Christmas, she saw a pupil covered in egg. Individual A stated that the pupil said that "[REDACTED] teachers were chasing [REDACTED]; [[REDACTED]], [[REDACTED]] and [another person] were involved."

The panel considered [REDACTED] police interview transcript dated 27 January 2021, which recorded him stating that he could not recall any time when a member of staff had thrown an egg at pupils. [REDACTED], in his police interview, also stated that on more than one occasion, there have been water and egg fights which were initiated by the pupils and had "everyone" joining in.

The panel again considered the notes of the meeting between [REDACTED], and the School dated 23 March 2022, which recorded [REDACTED] stating that there were fights at the School and eggs had been thrown at the walls. [REDACTED] had stated in the meeting notes that the eggs and stone throwing was "*probably a daily occurrence*", and that senior leadership were aware and participated.

The panel noted that Witness 8's police witness statement said that during the first COVID-19 lockdown in 2020, there were "*constant water fights and egg fights between staff and children*". Witness 8 commented that the pupils "*enjoyed it some of the time*" and that "*sometimes it went too far*". The panel noted that this was outside of the relevant period, but this supported that there was a culture of egg fights between staff and children at the School.

The panel considered the police interview transcript of Mr Oyitch dated 27 January 2021, which recorded him stating that on one occasion, the staff took the pupils to Woodhall Spa as the toilets had broken in the School. Mr Oyitch had stated that there was a camping stove with hot dogs and eggs. Mr Oyitch had stated that the pupils took some of the eggs and threw them. Mr Oyitch stated that he challenged the pupils' behaviour.

In the transcript of Mr Oyitch's police interview on 24 March 2021, Mr Oyitch stated that the pupils started the egg fights. Mr Oyitch had stated that some of the pupils stole eggs from the kitchen. Mr Oyitch also stated that he had created a game for the pupils to see who could throw eggs the farthest to diffuse situations where the pupils were throwing eggs at each other.

The panel considered [REDACTED] police interview transcript dated 27 January 2021, which recorded him stating that he could not recall any time when a member of staff had thrown an egg at pupils.

The panel also considered the police interview transcript dated 24 March 2021, and written evidence from Mr Oyitch, who further stated that there were a couple of occasions

when pupils stole eggs from the kitchen and then threw them at each other. Mr Oyitch stated that he never threw eggs at pupils and always attempted to stop the pupils or diffuse the situation. Mr Oyitch further stated that he created a game for pupils to see how far pupils can throw eggs or stones in an open field. Mr Oyitch submitted that this was to diffuse the pupils' behaviour.

Having considered all the evidence, the panel found, on the balance of probabilities, that Mr Oyitch threw eggs at or near pupils on one or more occasions. In reaching this conclusion, the panel placed weight on the contemporaneous handwritten note of Witness B and the overall consistency of the witness evidence.

The panel also considered this behaviour to be inappropriate.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (iv) proven.

v. You sprayed a fire extinguisher in a room where other colleagues were, when this was not required.

Mr Oyitch was recorded as admitting to spraying the fire extinguisher 1(a), Schedule 1, paragraph (v), in his police interview transcript dated 24 March 2021.

The panel considered the written and oral evidence of Witness D, who stated that on one occasion, Witness D, Individual Q and another staff member were in a room together in the afternoon. Witness D stated that Mr Oyitch entered the room and discharged a fire extinguisher. Witness D's police statement further recorded that the fire extinguisher was the "smoke" type and that Witness D could not breathe. Witness D stated that everyone left the room. The panel noted that Witness 16's police statement corroborated Witness D's evidence. The panel also noted that Witness D states that she and other [REDACTED] colleagues were in the room, including one colleague who was [REDACTED].

The panel considered the police interview transcript of Mr Oyitch dated 24 March 2021, which recorded him stating that he sprayed the fire extinguisher in the air above Witness D "to make her jump as a practical joke".

The panel considered Mr Oyitch's written statement, in which he denied the allegation against him.

Having considered the evidence before it, the panel was satisfied that the TRA had provided sufficient evidence to demonstrate that, on the balance of probabilities, Mr Oyitch had sprayed a fire extinguisher in a room where other colleagues were, when this was not required.

The panel considered this behaviour to be inappropriate, particularly given that it took place in an enclosed room. The panel also noted that, had the extinguisher been required

the following day, there was a risk it would not have been available due to its inappropriate use.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (v) proven.

b. Used and/or allowed inappropriate language around and/or about pupils, as set out in Schedule 2;

Mr Oyitch denied allegation 1(b) in its entirety.

Schedule 2

i. You called Pupil F “fat tits”, or words to that effect;

Mr Oyitch denied allegation 1(b), Schedule 2, paragraph (i).

The panel then considered Witness B’s handwritten notes, which listed the names the children were called by [REDACTED] members of staff at the School, including [REDACTED]. The panel noted that “*fat tits*” was one of the names; however, there was no reference to Pupil F.

The panel considered Witness B’s written and oral evidence that [REDACTED] and Mr Oyitch called Pupil F “*fat tits*” to [REDACTED] face and explained that this was their nickname for Pupil F. Witness B further explained that Pupil F used to ask Witness B for seconds for lunch. Witness B stated that [REDACTED] said to Pupil F, “*you aren’t allowed, you are a fat bastard*”. Witness B also stated that [REDACTED] told her, “*fat pupils do not get seconds after lunch*”.

The panel had sight of Individual A’s police witness statement which recorded her as having said that [REDACTED] told pupils that they could not have anything to eat on multiple occasions and called the pupils “*fat cunts*”, “*special fuckers*” and that “*[their] parents [were] neglecting them because of how fat they are and not let them have seconds*”. Individual A further stated that Mr Oyitch was also involved. Individual A stated that there was a pupil who was refused food and that [REDACTED] called [REDACTED] a “*fat fucker*”.

As set out above, the panel had sight of a police witness statement made by Witness 3, where they had stated that [REDACTED] sent an email to all staff members which highlighted two pupils’ size in a way that seemed “*derogatory*” and “*fat-shaming*”.

The panel further considered the notes of the meeting with Witness A, attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that all inappropriate comments were appropriately challenged.

The panel then considered the police interview transcript of [REDACTED], dated 27 January 2021, in which he was recorded as stating that he used “*unorthodox methods*”

with the pupils who were vulnerable. [REDACTED] had said that Pupil F was “[REDACTED]” and that [REDACTED] ate “*way too much*”. [REDACTED] had stated that Pupil F came up to [REDACTED] and said, “*I’m a fat bastard*” to which [REDACTED] responded by saying “*you’re not a fat bastard but if you think you’re a fat bastard why don’t you work with my sports instructor on a programme of fitness.*” [REDACTED] had submitted that he made this comment because he “*thought [he] had a strong enough relationship*” with the pupil.

The panel went on to consider Mr Oyitch’s evidence. The panel noted in his written statement that Mr Oyitch stated that he could not control what the pupils said. Mr Oyitch stated that he told the pupils not to use inappropriate language. Mr Oyitch said he sometimes explained why the language was inappropriate and asked the pupils questions such as, “*do you know what X actually means?*”. Mr Oyitch stated that any inappropriate language from pupils would be challenged or “*shut down*” appropriately. Mr Oyitch stated that teachers may have heard Mr Oyitch saying an inappropriate phrase and submitted that it was “*within an educational or preventative context*” and “*never used... in an act of malice towards the learner*”.

The panel also noted that in her meeting notes dated 20 April 2022, Individual D stated that she did not hear the phrase “*fat tits*”. However, the panel considered the fact that she did not hear it does not mean that it was not said.

The panel noted that even if Mr Oyitch had used the phrase “*fat tits*” in an attempt to model a pupil’s behaviour back to them, this would still have been inappropriate.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Oyitch did make the alleged comment about Pupil F. The panel found this language was inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2, paragraph (i) proven.

ii. You referred to and/or allowed other staff to refer to pupils as “mong” and/or “mong face”, or words to that effect;

Mr Oyitch was recorded denying saying derogatory terms in relation to SEN pupils in his police interview transcript dated 27 January 2021.

Witness B stated in her witness statement that [REDACTED], Individual B, Mr Oyitch and Individual M had addressed pupils as “*mong*” and “*mong face*” on more than one occasion. The panel found Witness B to be a credible witness.

The panel then considered Witness B’s handwritten notes, which listed the names the children were called by [REDACTED] members of staff at the School. The panel noted that both “*mong*” and “*mong face*” were recorded in these handwritten notes.

The panel noted that in Witness 3's police witness statement, Witness 3 was recorded as saying that [REDACTED] and Mr Oyitch repeatedly used the phrase "*mong*" and that this was not directed at anyone in particular. Witness 3 stated that they asked [REDACTED] and Mr Oyitch to stop using the word and explained why the word should not be used. Witness 3 stated that [REDACTED] and Mr Oyitch responded in a way that was "*very childish*" and that using the word was "*banter*". Witness 3 said that [REDACTED] and Mr Oyitch then "*continually repeat[ed] the word over and over again*" to Witness 3.

The panel noted that Witness 16, an employee around the relevant time, recorded in their police statement as saying that [REDACTED], Mr Oyitch and [REDACTED] used the word "*mong*" to describe the SEN pupils.

The panel noted the meeting notes from the interview with [REDACTED] conducted by Witness A on 23 March 2022, in which it was recorded that [REDACTED] stated that the term "*mong*" was used by "*students and staff*," although he stated that he did not believe it was ever directed at a student.

They went on to again consider the written evidence of Mr Oyitch in which he stated that teachers may have heard Mr Oyitch saying an inappropriate phrase and submitted that it was "*within an educational or preventative context*" and "*never used... in an act of malice towards the learner*".

The panel further noted the meeting notes from the interview with Mr Oyitch, conducted by Witness A on 25 March 2022, in which, when he was asked about the term "*mong*" he stated that "*learners say that all the time*," but that it was not a term he would use towards a student.

In Mr Oyitch's written evidence, Mr Oyitch further stated that he never made derogatory comments in relation to SEN pupils and that he never heard any derogatory comments made in relation to pupils at the School.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Oyitch did refer to pupils as "*mong*" and "*mong face*". The panel found this language inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (ii) proven.

iii. You allowed Colleague D to call pupils "window lickers" and/or "spastics" and/or "soft cunts", or words to that effect and/or laughed whilst Colleague D said this;

Mr Oyitch was recorded denying calling pupils "*spastic*", "*window lickers*" or "*soft cunts*" in his police interview transcript dated 27 January 2021.

The panel considered that colleague D was [REDACTED]. The panel noted that [REDACTED] made no admission regarding these comments. The panel considered all the evidence, including [REDACTED] response to the allegation in the police interview transcript of [REDACTED], the meeting notes for the meeting held by Witness A attended by [REDACTED], and the statement provided by [REDACTED].

The panel had sight of the police interview transcript of [REDACTED], dated 24 March 2021, which recorded him stating “*no comment*” when asked if he called pupils “*window lickers*”.

Witness B’s handwritten notes dated 25 November 2020 recorded her as saying that [REDACTED], Mr Oyitch, [REDACTED] and Individual B threw stones and eggs at the pupils and [REDACTED] called them “*window lickers*”, “*spastics*” and “*soft cunts*” whilst doing so.

Witness B’s written and oral evidence stated that [REDACTED], Individual B, Mr Oyitch and Individual M had addressed pupils as “*spastics*”.

The panel then considered Witness B’s handwritten notes, which listed the names the children were called by [REDACTED] members of staff at the School, including [REDACTED]. The panel noted that “*spastics*” was one of the names.

The panel also had sight of Witness 17’s police statement, who stated that [REDACTED] and Mr Oyitch repeated the word “*spastic*” to the pupils when they said it themselves.

The panel had sight of a Witness 5’s police witness statement in which Witness 5 was recorded as saying that on one occasion, Pupil E told Witness 5 that [REDACTED] called [REDACTED] a “*cunt*”. Witness 5’s evidence was that shortly after Pupil E’s [REDACTED] submitted a complaint to the School, [REDACTED] was “*openly bragging about the fact he called [Pupil E] a cunt*” and then told Pupil E’s [REDACTED] that he had not done so.

The panel noted that Witness 8’s police statement recorded Witness 8 as having stated that [REDACTED] referred to one of the pupils [REDACTED] as a “*cunt*”.

The panel considered the written and oral evidence of Witness B. Witness B stated that [REDACTED], Mr Oyitch, [REDACTED] and Individual B threw stones and eggs at pupils while calling them “*window lickers*,” “*spastics*,” and “*soft cunts*.” She stated that [REDACTED] was the person making the derogatory comments, while Mr Oyitch and [REDACTED] laughed at [REDACTED] and at the pupils.

The panel also considered the written list prepared by Witness D for the police, which recorded the existence of a severe bullying culture towards learners, including the use of the terms “*spaz*,” “*retard*,” and “*window lickers*.”

The panel considered the written and oral evidence of Witness D, who stated that on one occasion, the [REDACTED] pupils were walking past. Witness D stated that Mr Oyitch and two [REDACTED] pupils called the [REDACTED] pupils “spaz”, “retard” and “window lickers”.

The panel considered that in Mr Oyitch’s police interview transcript dated 24 March 2021, he was recorded submitting that his words were taken “out of context” and that he was challenging the pupils’ language. Mr Oyitch stated that in response to pupils’ use of the word, he had said “Why are you calling him a spastic”, and “why is he a spastic”.

The panel again considered the written evidence of Mr Oyitch, who stated that teachers may have heard Mr Oyitch saying an inappropriate phrase and submitted that it was “within an educational or preventative context” and “never used... in an act of malice towards the learner”. Mr Oyitch further stated that he never heard any derogatory comments made in relation to SEN pupils at the School.

The panel again considered the meeting notes held by Witness A and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that all inappropriate comments were challenged appropriately.

Having considered all the evidence, the panel concluded, on the balance of probabilities, based on the contemporaneous notes and the written and oral evidence, that Mr Oyitch did allow colleague D to call pupils window lickers” and/or “spastics” and/or “soft cunts”, and that he laughed whilst colleague D said this.

The panel found that Mr Oyitch had permitted this, and associated himself with this conduct, and that both the use of such language and his failure to challenge it were inappropriate. In particular, the panel considered that all teachers have a professional responsibility to challenge such comments, regardless of who makes them, in order to safeguard the interests of vulnerable students.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (iii) proven.

iv. You referred to and/or allowed others to say, “special bastard” and/or “retard” and/or “spastics”, or words to that effect;

Mr Oyitch was recorded denying calling pupils “spastic” in his police interview transcript dated 24 March 2021.

The panel considered Witness B’s written statement, in which she recorded hearing the following words being used by [REDACTED], Individual B, Mr Oyitch and Individual M when addressing pupils as: “ball bags, fat tits, spastics, spec, special bastard, donkey fucker, horse fucker, fat cunt, mong and mong face.” Witness B confirmed that she could not recall the specific dates on which these terms were used.

The panel noted that her evidence was consistent with the contemporaneous accounts regarding the prevailing culture at the School.

The panel considered the written and oral evidence of Witness D, who stated that on one occasion, the [REDACTED] pupils were walking past. Witness D stated that Mr Oyitch and two [REDACTED] pupils called the [REDACTED] pupils “*spaz*”, “*retard*” and “*window lickers*”.

The panel also had sight of Witness 17’s police statement, who stated that [REDACTED] and Mr Oyitch repeated the word “*spastic*” to the pupils when they said it themselves.

In Mr Oyitch’s police interview transcript dated 24 March 2021, he stated that his words were taken “*out of context*” and that he was challenging the pupils’ language. This was reiterated in Mr Oyitch’s written evidence. Mr Oyitch further stated in his evidence that he never heard any derogatory comments made in relation to SEN pupils at the School.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Oyitch did use, refer to and allow others to refer to pupils as “*special bastard*” and “*retard*” and “*spastics*” and that they did this around and about pupils. The panel found this language inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (iv) proven.

vi. You told one or more pupils that you had sex with their mothers.

The panel considered Witness B’s written and oral evidence, which was that on many occasions, she heard Mr Oyitch and [REDACTED] telling pupils that they had “*taken out their mums and had sex with them*”.

The panel considered Witness B’s handwritten, undated note, which stated that she heard [REDACTED] and Mr Oyitch telling certain children they had taken out their mothers and “*had sex with them*”.

The panel considered Mr Oyitch’s written evidence in which he stated that pupils often tried to “*wind each other up*” by saying such comments and that Mr Oyitch never said what was alleged.

The panel noted that it is recorded that in the meeting notes of the interview with [REDACTED] and Witness A on 24 March 2022, that [REDACTED] stated he “*categorically state[d] that did not happen. A learner came into his group and voluntarily told everybody [REDACTED]. [He] was not present at the time, it was reported to [him] afterwards*”.

The panel noted that, as recorded in the interview with Mr Oyitch and Witness A on 25 March 2022, Mr Oyitch stated: “*I said, can we stop going on about [REDACTED],’ because I don’t really want to hear about that.*” It is further recorded that Mr Oyitch

denied teasing a student about [REDACTED] or asking how many people the student's mother had slept with, responding "*definitely not*" to that allegation.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Oyitch did tell one or more pupils that he had sex with their mothers. The panel found this was inappropriate language.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (vi) proven.

c. Engaged in the inappropriate behaviour as set out in Schedule 3.

Schedule 3

i. You threw eggs at Colleague B;

Mr Oyitch was recorded denying the facts set out in allegation 1(d), Schedule 3 paragraph (i) in his police interview transcript dated 27 January 2021.

The panel noted that colleague B was Witness D.

The panel had sight of a photo of Witness D and a photo of Individual O, who both had their coats covered in egg. In Mr Oyitch's police interview transcript dated 24 March 2021, Mr Oyitch was recorded as denying seeing these teachers covered in eggs as shown in the photos.

The panel considered the police witness statement, written and oral evidence of Witness D, who stated that [REDACTED], Mr Oyitch and [REDACTED] threw eggs at her. Witness D stated that she, Individual D and Individual O were the staff members who got thrown eggs at the most. Witness D stated that it occurred from 2.30 pm onwards, when the pupils were not at the School and may have occurred on a weekly basis. Witness D's evidence was that she washed her coat and scarves often because [REDACTED] and other staff members threw eggs at her.

The panel had sight of email correspondence between [REDACTED] and Witness D, which showed that Witness D stated she was "*fine with being the target*". Witness D submitted that the comment was made in relation to staff throwing eggs at Witness D.

The panel considered that in oral evidence, Witness D explained that she was not comfortable with the eggs being thrown at her, but did not feel sufficiently confident to challenge this.

The panel noted that Witness 16 was recorded in her police statement as stating that she had seen a teacher covered in egg.

The panel considered the police interview transcript of [REDACTED] dated 27 January 2021 which recorded that it had been stated that on one occasion, two pupils asked the

kitchen staff for eggs to throw at staff and that there had been egg throwing throughout the school and [REDACTED] submitted that the staff and pupils had “*a good time*” and that there was “*nothing malicious about that situation*”. [REDACTED], in his police interview, also stated that on more than one occasion, pupils had initiated water and egg fights, with “everyone” joining in.

The panel considered the notes of the meeting between [REDACTED], and Witness A dated 23 March 2022, which recorded [REDACTED] stating that there had been fights at the School and that eggs had been thrown at the walls. [REDACTED] had stated in the meeting notes that the eggs and stone throwing were “*probably a daily occurrence*” and that [REDACTED] was aware and participated.

The panel went on to consider Mr Oyitch’s written evidence, where he stated that he never threw eggs at a staff member.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Oyitch did throw eggs at colleague B and that this was inappropriate.

The panel, therefore, found allegation 1(c), Schedule 3, paragraph (i) proven.

ii. You filled Colleague B’s water bottle with dirt and hung it up so that she could not reach it or allowed this to happen

Mr Oyitch denied the allegations in relation to allegation 3, Schedule 3 paragraph (ii).

The panel noted that colleague B was Witness D.

The panel had sight of a screenshot of Witness D’s WhatsApp, which showed a photo of a water bottle with a string tied to the ceiling of a building.

The panel then considered the written and oral evidence of Witness D, who stated that on one occasion, [REDACTED] and Mr Oyitch filled her water bottle with dirt and rubbish and then hung it from the ceiling in one of the School’s buildings. Witness D said that [REDACTED] and Mr Oyitch “*teased*” her for not being able to reach the bottle when they could.

Witness D’s police witness statement further recorded that she then drank the water from the bottle and spat it out. It also recorded that after Christmas, Witness D [REDACTED] and brought it into School, and that [REDACTED], Mr Oyitch and [REDACTED] told her they were going to “*target it*” and that she could not leave her water bottle anywhere.

The panel then considered Mr Oyitch’s written evidence, in which he stated that he knew pupils who stole items belonging to the School or staff.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Oyitch did jointly fill the water bottle with dirt and hang it up and that this was inappropriate as this was bullying of a colleague.

The panel, therefore, found allegation 1(c), Schedule 3, paragraph (ii) proven.

2. By reason of your conduct at allegations 1a and/or 1b, you did not safeguard the welfare of pupils.

Mr Oyitch made no admissions in relation to allegation 2.

Having found allegations 1(a) and 1(b) proven, the panel went on to determine whether allegation 2 was proven. In determining this issue, the panel assessed whether Mr Oyitch had failed to safeguard the welfare of pupils.

In assessing whether Mr Oyitch failed to safeguard the welfare of the pupils, the panel took into account its knowledge, skills and experience of the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and the influence that teachers may have on pupils, particularly those who are vulnerable.

The panel was satisfied that exposing pupils to such behaviour and language is fundamentally inconsistent with the concept of safeguarding. In the panel's view, the use of such language undermines pupils' emotional and social wellbeing and challenges their sense of self-worth. Such conduct is particularly harmful in a setting intended to provide nurture and support to pupils who are already vulnerable.

The panel noted that pupils attending this provision would reasonably be entitled to expect a safe, nurturing environment designed to support their development, enable positive behavioural change, and help them to thrive. Rather than reinforcing harmful behaviours and attitudes.

In particular, the panel considered that swearing at pupils, body-shaming pupils, and calling pupils names based on their vulnerability caused obvious direct harm towards the pupils.

The panel also considered that throwing stones and eggs at pupils, as well as throwing aerosols into bonfires, had caused, or posed a high risk of causing, the pupils' physical harm.

The panel therefore found allegation 2 proven.

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

Whilst working as a teacher at Build a Future (“the School”):

1. Between 28 September 2020 and 28 January 2021, you:

b. Used and/or allowed inappropriate language around and/or about pupils, as set out in Schedule 2;

Schedule 2

v. You referred to and/or allowed other staff to say, “horse fucker”, or words to that effect;

The panel considered Witness B’s written statement. Witness B stated that [REDACTED], [REDACTED] and Individual B and Individual M used to call Pupil G “*horse fucker*” or a “*donkey fucker*” to [REDACTED] face. The panel noted that Witness B did not name Mr Oyitch as referring to pupils as “*horse fucker*” or words to that effect in this part of her written statement.

The panel considered another part of Witness B’s written statement, in which she recorded hearing the following words being used by [REDACTED], Individual B, Mr Oyitch and Individual M when addressing pupils as: “*ball bags, fat tits, spastics, spec, special bastard, donkey fucker, horse fucker, fat cunt, mong and mong face.*” Witness B confirmed that she could not recall the specific dates on which these terms were used.

The panel had sight of Individual A’s police witness statement. Individual A was recorded as having stated there that [REDACTED], Mr Oyitch, [REDACTED] and another person accused a specific pupil “*of shagging horses and donkeys*” and called this pupil “*horsefuck*”. Individual A further stated that [REDACTED], Mr Oyitch, [REDACTED] “*intimidate[d] [this particular pupil] with a horse head that you [could] wear*”. The panel noted that this was hearsay evidence and so placed limited weight on this evidence.

The panel then considered the notes of the meeting between [REDACTED], and the School dated 23 March 2022, which recorded [REDACTED] stating that a pupil had brought in a [REDACTED] [REDACTED] stated that there was a rumour that this pupil [REDACTED].

The panel considered the meeting notes held by the School and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that, on one occasion, a pupil came to School wearing a [REDACTED] and that [REDACTED] was told that the pupil was [REDACTED]. [REDACTED] had stated that only he and [REDACTED] knew. [REDACTED] further stated that on another day, a different [REDACTED] pupil had a picture, which [REDACTED] had drawn, of that pupil “*shagging a horse*” and shouting “*horse fucker*”. [REDACTED] stated that the pupil who drew the picture continued to shout “*horse fucker*” when [REDACTED] saw the other pupil.

The panel then considered Witness B’s handwritten notes, which listed the names the children who were called names by [REDACTED] members of staff at the School,

including Mr Oyitch. The panel noted that “*horse fucker*” was included in the list of names.

The panel reminded itself that it is for the TRA to prove the allegation on the balance of probabilities, that it is more likely than not that Mr Oyitch either used the specific term or was present when others used it. In the panel’s view, the TRA had not discharged this burden. In particular, Witness B was unable to recall any specific dates on which Mr Oyitch used this term, and the remaining evidence was indirect or hearsay.

Given the limited nature of the evidence, the panel concluded that there was insufficient basis to find the allegation proven. The panel, therefore, found allegation 1(b), Schedule 2(v), was not proven.

c. Asked Colleague C if she knew any “black jokes”.

Mr Oyitch denied allegation 1(c).

The panel identified colleague C as Witness B.

The panel considered both the written and oral evidence of Witness B. She stated that when she first started working at the School, Mr Oyitch asked her whether she knew any “*black jokes*”, to which she replied that she did not.

The panel observed that there were no contemporaneous notes made by Witness B about this alleged comment. Witness B explained that she did not begin keeping written records of matters until later in her employment. In her witness statement, she also stated that she “*did not think much of*” the comment at the time. The panel considered that, had the comment been made in the manner alleged, it might reasonably have been expected to have caused immediate concern.

The panel, therefore, noted the absence of contemporaneous evidence supporting this allegation.

The panel reminded itself that the burden rests with the TRA, through the presenting officer, to prove the allegation on the balance of probabilities, that it is more likely than not that the comment was made. The panel considered that the TRA had not discharged this burden. Witness B could not recall the specific date or context in which the comment was made, and there was no supporting evidence.

Given the limited nature of the evidence, the panel concluded that there was insufficient basis to find the allegation proven. The panel, therefore, found allegation 1(c), Schedule 2(v), was not proven.

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

Having found allegations 1 (a) and 1 (b) Schedule 2, (i), (ii) (iii) (iv) and (vi), 1 (d) and (2) proven, the panel went on to consider whether the facts of those proved allegations 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 Oyitch, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Oyitch was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, 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 was satisfied that the conduct of Mr Oyitch, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”) 2020, which was the applicable version at the time of the misconduct. The panel noted the following relevant provisions which had been breached by Mr Oyitch’s conduct:

- Part 1 emphasises that safeguarding is “*everyone’s responsibility*”.
- Paragraph 4 requires staff to protect children from maltreatment and ensure they receive “*safe and effective care*.”
- Paragraph 7 states that all staff are responsible for ensuring a safe environment in which children can learn.

The panel considered that Mr Oyitch's actions were incompatible with these obligations. His use of derogatory and demeaning language, and general disregard for appropriate professional boundaries breached safeguarding duties.

The panel was also satisfied that Mr Oyitch's conduct breached Working Together to Safeguard Children, which emphasises that safeguarding is a shared responsibility. Mr Oyitch's actions fell short of those expectations.

The panel also considered whether Mr Oyitch'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 carefully considered whether the behaviour constituted "*violence*" under its ordinary meaning, given the throwing of eggs and stones at pupils. It concluded that the conduct was more akin to inappropriate horseplay than assault, although it remained wholly unacceptable within a school environment.

The panel also considered whether the behaviour amounted to "*harassment*" under ordinary definitions, given the conduct directed towards a colleague. It was determined that the behaviour more closely resembled inappropriate behaviour and bullying rather than harassment, while still being entirely unacceptable in a school setting.

The panel found that each proven incident in this case was serious in its own right. It therefore did not need to aggregate the allegations, assessing each individually on its own seriousness. The panel also took into account that a number of witness identities had been redacted, which meant that Mr Oyitch was not aware of the names of all witnesses. However, where evidence was not redacted, this did not undermine the overall reliability of the findings.

The panel found each proven allegation to be serious misconduct, for the reasons below:

- The panel found that allowing a member of staff to lie on a pupil represented a serious breach of appropriate professional boundaries and placed the child at potential risk. This amounted to serious misconduct.
- The panel found that throwing stones at or near pupils created a clear and foreseeable risk of physical harm. Such conduct was wholly incompatible with a teacher's safeguarding duties and amounted to serious misconduct.
- The panel found that throwing aerosols onto a fire posed an obvious and significant health and safety risk and normalised unsafe behaviour. Engaging in such conduct constituted serious misconduct.
- The panel found that throwing eggs at pupils exposed them to a risk of injury and normalised unsafe behaviour. This amounted to serious misconduct.

- The panel found that spraying a fire extinguisher in a room where other colleagues were present, including a pregnant employee, was serious misconduct. The panel also considered that discharging the extinguisher could have compromised its availability for future fire-safety needs.
- The panel found that calling pupils “*fat tits*” amounted to bullying behaviour.
- The panel found that the use of terms such as “*spastics*”, “*soft cunts*”, “*mong*”, “*mong face*”, and “*horse fuckers*” was extremely inappropriate and harmful. This language was wholly unacceptable, degrading, abusive, and constituted serious misconduct.
- The panel found that telling pupils that he had sex with their mothers involved sexualised remarks directed at children and amounted to exceptionally serious misconduct.
- The panel found that throwing eggs at a colleague was disrespectful, inappropriate, and bullying behaviour, amounting to serious misconduct.
- The panel found that hanging a water bottle out of a colleague’s reach so that they could not access it was disrespectful, inappropriate, and bullying behaviour, amounting to serious misconduct.

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

In relation to whether Mr Oyitch’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 Oyitch’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 Oyitch was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

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

For these reasons, the panel found that Mr Oyitch'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 a 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 protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Oyitch, which involved engaging in inappropriate behaviour with pupils, including throwing eggs and stones at pupils and staff, filling a colleague's water bottle with dirt, swearing at pupils and calling them names, and failing to safeguard pupils, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Oyitch 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 Oyitch 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 Oyitch in the profession. Whilst there is evidence that Mr Oyitch had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Oyitch in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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

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 to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect were identified;
- 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);
- violation of the rights of pupils;
- sustained bullying, and deliberate behaviour that undermines pupils, the profession, the school or colleagues;

The panel considered whether there had been a violation of pupils' rights. It concluded that pupils at the School had been mistreated, subjected to demeaning and offensive language, and exposed to a culture of bullying, including the throwing of eggs. Pupils have a right to be treated with dignity and respect, and to have their needs met in an environment free from bullying. That right was not upheld.

The panel then considered whether there was evidence of a deep-seated harmful attitude. It did not find this to be the case. The panel took into account Mr Oyitch's written statement to the TRA, in which he acknowledged that the actions attributed to him were wrong and expressed an understanding of the seriousness of this type of behaviour. The panel noted that Mr Oyitch appeared to have adopted the behaviour of the headteacher and other staff and had become caught up in the prevailing culture of the School.

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 Oyitch's actions were deliberate.

There was no evidence to suggest that Mr Oyitch was acting under extreme duress, e.g. a physical threat or significant intimidation. His involvement in incidents was undertaken of his own accord. The panel also noted that other junior members of staff had recognised concerns within the School and challenged them; Mr Oyitch did not do so.

The panel noted that although Mr Oyitch had a previously good history, he did not demonstrate exceptionally high standards in his personal or professional conduct, nor evidence of significant contribution to the wider education sector.

The panel considered his statement that pupils at the School could not cope in mainstream schools. It observed that Mr Oyitch had no experience of working in mainstream education or in other pupil-referral provisions and therefore lacked the professional frame of reference to challenge that belief. The panel considered this to be naïve, reflecting a lack of broader experience and understanding.

The panel also recognised that Mr Oyitch did not have a background in teaching and had entered the School without formal training. There was some limited evidence that he had strengths as an educator; for example, one pupil described him in a review as the "*best teacher*". The panel took this into account as part of its assessment of mitigation.

The panel considered the submissions of Mr Oyitch, who stated that the COVID pandemic was a "*scary and uncertain*" time.

The panel also considered his submission that, on occasion, staff engaged in pranks with one another as a form of humour. He explained that this could include messing up a colleague's classroom or similar actions, and that his own classroom had been subject to such pranks in the past. He stated that these incidents would typically result in shared laughter and that staff would help each other to clean up afterwards. Mr Oyitch submitted that the pranks were never intended to be harmful or dangerous.

Mr Oyitch submitted 12 character references to attest to his ability as a teacher. The panel considered written statements from the following individuals:

- Individual R, teacher at the School
- Individual S, teacher at the School
- Individual T, teacher at the School
- Individual U, [REDACTED]
- Individual N, colleague at the School

- Individual V, colleague at the School
- Individual W, colleague at the School
- Individual X, colleague at the School
- Individual B, colleague at the School
- Individual Y, [REDACTED]
- [REDACTED]
- [REDACTED]

The panel noted that 11 of the 12 character statements were from staff members of the School. [REDACTED] and [REDACTED] were also facing allegations before this professional conduct panel hearing. The panel further noted that Witness B's and Witness D's evidence was that Individual B was allegedly involved in the conduct set out in the allegations against Mr Oyitch.

The panel noted the following comments in particular:

"Having worked so much with Matt... I personally found Matt to be a colleague I could rely on and was always a great team player... It is a credit to Matt that vulnerable students would feel comfortable enough with him to trust him to speak to and discuss their problems with him."

Individual R, colleague at the School

- *"I would not hesitate to work with Matthew in the future, as his jovial manner and professionalism was always a welcome pleasure at work."*

Individual N, colleague at the School

- *"[Mr Oyitch] was one of our strongest staff members on our staff team, every learner respected him a lot... I can say with full confidence that he always had the best interest of both learners and staff at heart and was a true role model."*

Individual W, colleague at the School

- *"...a strong teaching member of the team who is supportive to everyone around, A very intelligent motivated and experienced young man who always worked with a positive attitude to the development of every young person within his care."*

Individual V, colleague [REDACTED]

The panel considered, as part of its assessment of mitigation, that Mr Oyitch was a more junior member of staff. He had no previous experience of working in this type or any other school setting and had received no formal teacher training prior to joining the School. The panel recognised that, in those circumstances, it was possible that he might have perceived aspects of the School's culture as normal. However, the panel also noted

that other colleagues who were similarly junior in the organisation recognised the failings in the School and took steps to raise concerns. Mr Oyitch did not.

The panel accepted that there was some mitigation in that he appeared more of a follower than an initiator. However, he nonetheless played an active role in the behaviour found proven and should have known better. The panel considered that at times he appeared to be seeking to impress certain colleagues, rather than exercising appropriate professional judgment.

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 Oyitch 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 Oyitch. The panel considered Mr Oyitch repeatedly engaged in behaviour that breached professional boundaries, exposed pupils and colleagues to risks of physical and emotional harm, normalised unsafe conduct, and used language that was abusive, degrading, bullying, and in some instances sexualised towards pupils. This was a significant factor in forming that opinion. 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. The panel considered whether the category of child cruelty was engaged. While the panel identified inappropriate behaviour and bullying, it concluded that the conduct did not reach the threshold required to constitute child cruelty.

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

The panel considered the extent of any insight or remorse demonstrated by Mr Oyitch. The panel noted his statement that he "*completely understand the seriousness of the allegations and the gravity*" of the matters and that he recognised that the language was unacceptable. He also stated that he would challenge pupils for using such language.

The panel considered that aspects of Mr Oyitch's explanation reflected immaturity and a lack of wider professional experience. He had no other points of reference and appeared to have been naïvely drawn into, and influenced by, the prevailing culture of the School. The panel considered that if his first experience in a school setting had been different, he might have developed more appropriate professional standards.

The panel concluded that the material Mr Oyitch submitted demonstrated some emerging degree of insight. While limited, it indicated that he had begun to understand why his behaviour was unacceptable and how it affected pupils.

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.

The panel also noted that the most recent events occurred in January 2021, meaning that almost five years had already passed.

The panel considered that Mr Oyitch failed to recognise that professional boundaries had been overstepped. In his favour, the panel noted that there was an absence of evidence to suggest he had received safeguarding training that should have been in place. This apparent lack of training may explain why he did not fully appreciate where appropriate boundaries lay, or when they had been breached.

The panel recommended a review period of three years, to allow Mr Oyitch sufficient time to reflect, develop further insight and remorse, and undertake training to ensure a proper understanding of safeguarding, professional boundaries and the seriousness of his involvement in bullying and inappropriate comments. The panel considered that, with the right support and appropriate training, he might be capable of developing an appropriate professional approach in the future. In the panel's judgement the risk of repetition is low, if he were to receive the appropriate training and reflects on his actions.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, 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 was satisfied that the conduct of Mr Oyitch involved breaches of the responsibilities and duties set out in statutory guidance '*Keeping children safe in education*' and/or involved breaches of '*Working Together to Safeguard Children*'.

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

The findings of misconduct are particularly serious as they include disrespectful, inappropriate, and bullying behaviour as well as a failure to adhere to proper safeguarding standards and directing sexualised remarks towards pupils.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would

achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Oyitch, 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 offers this observation:

“In the light of the panel’s findings against Mr Oyitch, which involved engaging in inappropriate behaviour with pupils, including throwing eggs and stones at pupils and staff, filling a colleague’s water bottle with dirt, swearing at pupils and calling them names, and failing to safeguard 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:

“The panel concluded that the material Mr Oyitch submitted demonstrated some emerging degree of insight. While limited, it indicated that he had begun to understand why his behaviour was unacceptable and how it affected pupils.”

In my judgement, the lack of evidence that Mr Oyitch has developed full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel provides this observation:

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

I am particularly mindful of the findings in this case of a teacher repeatedly engaging in behaviour that breached professional boundaries, exposed pupils and colleagues to risks of physical and emotional harm, normalised unsafe conduct, and used language that was abusive, degrading, bullying, and in some instances sexualised towards pupils and the negative impact that such findings 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 Oyitch himself. The panel makes this comment:

“The panel noted that although Mr Oyitch had a previously good history, he did not demonstrate exceptionally high standards in his personal or professional conduct, nor evidence of significant contribution to the wider education sector.”

The panel also notes having had the benefit of considering character evidence attesting to Mr Oyitch’s commitment to learners.

A prohibition order would prevent Mr Oyitch 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 very serious nature of the misconduct found by the panel which, as referenced above, included repeatedly engaging in behaviour that breached professional boundaries, exposing pupils and colleagues to risks of physical and emotional harm, normalised unsafe conduct, and using language that was abusive, degrading, bullying, and in some instances sexualised towards pupils. I have also noted that despite the passage of some time since these events Mr Oyitch’s insight into his behaviour and why it was inappropriate is still not fully developed.

In addition, while noting that the panel considered some mitigating evidence in this case including Mr Oyitch’s inexperience and the prevailing culture at the school at the time of these events, I have given weight to the panel’s findings that his behaviour was deliberate and that he was not acting under duress.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Oyitch 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.

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 three-year review period.

In doing so, the panel has referenced the Advice as follows:

“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. The panel considered whether the category of child cruelty was engaged. While the panel identified inappropriate behaviour and bullying, it concluded that the conduct did not reach the threshold required to constitute child cruelty.

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

I have considered the panel’s concluding remarks:

“The panel considered that Mr Oyitch failed to recognise that professional boundaries had been overstepped. In his favour, the panel noted that there was an absence of evidence to suggest he had received safeguarding training that should have been in place. This apparent lack of training may explain why he did not fully appreciate where appropriate boundaries lay, or when they had been breached.

The panel recommended a review period of three years, to allow Mr Oyitch sufficient time to reflect, develop further insight and remorse, and undertake training to ensure a proper understanding of safeguarding, professional boundaries and the seriousness of his involvement in bullying and inappropriate comments. The panel considered that, with the right support and appropriate training, he might be capable of developing an appropriate professional approach in the future. In the panel’s judgement the risk of repetition is low, if he were to receive the appropriate training and reflects on his actions.”

I have considered whether a three-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.

While I note the panel’s conclusion that Mr Oyitch’s behaviour is not explicitly referenced in the Advice as being of a type that would weigh in favour of a longer review period, the Advice is clear that that list of behaviours is not exhaustive.

In my judgment, factors mean that allowing a three-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, the potential injury done to the standing of the profession by Mr Oyitch's behaviour, as well as the lack of evidence of full insight and consequent risk of repetition and future harm to pupils.


In my view, the multiple instances of very serious misconduct and lack of evidence of full insight mean a longer review period is required and appropriate to afford Mr Oyitch the opportunity to take the necessary steps to provide full assurance that the risk of repetition is negligible should he wish to return to the profession.

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

This means that Mr Matthew Oyitch is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 20 March 2031, five 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 Oyitch remains prohibited from teaching indefinitely.

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

Mr Oyitch 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', with a long horizontal flourish extending to the right.

Decision maker: Marc Cavey

Date: 19 February 2026

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