



Teaching
Regulation
Agency

Mr Stuart Balfour: Professional conduct panel hearing outcome

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

April 2026

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

Teacher: Mr Stuart Balfour
TRA reference: 24375
Date of determination: 23 April 2026
Former employer: St Edmund's School, Hindhead

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 18 to 20 March 2026 and reconvened on 23 April 2026 by way of a virtual hearing, to consider the case of Mr Stuart Balfour.

The panel members were Mr Richard Young (lay panellist – in the chair), Ms Susan Humble (lay panellist), and Ms Elizabeth Kitcatt (teacher panellist).

The legal adviser to the panel was Miss Katie Garcia of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Wen Yeap of Browne Jacobson solicitors.

Mr Balfour was present and was represented by Miss Laura Barbour of Lincoln House Chambers via her instructing solicitors, Stephenson's solicitors.

The hearing took place in private and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 19 December 2025.

It was alleged that Mr Balfour was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at St Edmund's School as Director of Sports:

1. He drove a minibus with around 13 pupils under his care and/or used his phone to send one or more messages whilst the vehicle was in motion on or around 21 November 2023.
2. His conduct at 1 above risked pupil safety as he was:
 - a. driving with reduced attention;
 - b. emotionally unfit to drive.

Mr Balfour admitted the facts of allegations 1 and 2(a). He accepted that his behaviour in relation to allegations 1 and 2(a) amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Balfour denied the facts of allegation 2(b). He further denied that his conduct in relation to allegation 2(b) 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 and statement of agreed and disputed facts – pages 5 to 8

Section 2: Notice of referral and response – pages 10 to 36

Section 3: TRA witness statements – pages 38 to 128

Section 4: TRA documents – pages 130 to 181

Section 5: Teacher response – pages 184 to 232

In addition, the panel agreed to accept the following:

- character reference from Individual A comprising one page - page 233.

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

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

Witnesses

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

Witness A – [REDACTED]

Witness B – [REDACTED]; and

Witness C – [REDACTED].

Mr Balfour also gave oral evidence and called the following witness:

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.

Mr Balfour commenced employment at St Edmund’s School (‘the School’) on 1 September 2013. He was promoted to Director of Sports in 2016.

On 21 November 2023, concerns were raised about Mr Balfour’s welfare as he had allegedly been engaged in an argument with Witness D, [REDACTED].

Later, on the same day, Mr Balfour drove a minibus of pupils to a football match.

Concerns arose regarding a series of WhatsApp messages he allegedly sent. These concerns related to both the content of the WhatsApp messages and their timing, as it was alleged that the messages were sent while he was driving the minibus with pupils under his care.

On 27 November 2023, Mr Balfour was suspended by the School. He was invited to a disciplinary meeting which took place on 14 March 2024. He was dismissed and ceased employment at the School on 31 March 2024.

The headteacher at the School referred Mr Balfour to the TRA on 10 September 2024.

Findings of fact

The findings of fact are as follows:

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

1. You drove a minibus with around 13 pupils under your care and/or used your phone to send one or more messages whilst the vehicle was in motion on or around 21 November 2023.

The panel considered the written statement by Mr Balfour dated 4 March 2026. Mr Balfour admitted this allegation and further admitted that the facts of the allegation amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel, through looking at the screenshots, considered the timing of the WhatsApp messages Mr Balfour had sent compared with the minibus telematics log, which set out the speed and location of the minibus he was driving. The panel noted Mr Balfour's representative's submission that when looking at the speeds of the minibus, the timings between the minibus and the phone that Mr Balfour was using had not been cross referenced with one another and so it was not possible to say that the time which was shown on the minibus log was exactly the same as the time of the messages that were sent as suggested by the time stamps.

Notwithstanding this, the panel noted that numerous messages had been sent by Mr Balfour on WhatsApp while he was driving the minibus. The timing of the messages when viewed alongside the log, demonstrated a consistent overlap between periods of active driving and the sending of messages, including one message which read "*I'm driving*". The panel considered the records of the disciplinary investigation meetings of 6 December 2023 and 24 January 2024 and Mr Balfour's written statement and oral evidence in which he had described how he had dictated WhatsApp messages whilst driving.

After examining the documents before the panel and the admissions by Mr Balfour in his oral and written evidence and in the unsigned statement of agreed and disputed facts, the panel was satisfied that the TRA had proved that Mr Balfour drove a minibus with around 13 pupils under his care and used his phone to send one or more messages whilst the vehicle was in motion on or around 21 November 2023.

The panel found allegation 1 proven.

2. Your conduct at 1 above risked pupil safety as you were:

a. driving with reduced attention;

The panel considered the records of the disciplinary investigation meetings of 6 December 2023 and 24 January 2024 and Mr Balfour's written statement and oral evidence, in which Mr Balfour had described how he had dictated WhatsApp messages whilst driving, and the unsigned statement of agreed and disputed facts.

The panel considered the written statement of Individual B who was driving the school minibus behind Mr Balfour's vehicle. Whilst noting it was hearsay, the panel noted that the evidence was unchallenged and therefore placed significant weight on it. The panel noted that Individual B's evidence related to the nature of Mr Balfour's driving on the date in question. Individual B stated that in his view, "*there was nothing in observing his driving that caused me any concern*".

The panel considered the written statement and oral evidence of Mr Balfour, who stated that whilst he touched the screen of his mobile phone whilst driving, he did not pick up his mobile phone at any point. In his written statement and oral evidence, Mr Balfour submitted that this was akin to using a satellite navigation system ("SatNav") or radio.

The panel noted the minibus was not provided with a fixture to enable the phone to be used as a SatNav. The phone was therefore customarily placed in a drinks cup holder on the righthand side of the steering wheel. The panel considered that this was unsatisfactory.

During Mr Balfour's oral evidence, he described how he would need to take his hand off the steering wheel to touch the small microphone icon on the phone and make a refined movement to hit that icon correctly. This would involve him taking his focus entirely away from the road. The panel noted that when replying to the messages in the round, Mr Balfour had needed to look at and touch the screen of his mobile phone many times.

The panel noted Mr Balfour's oral evidence that he was driving carefully in convoy and in the inside lane. The logs showed speeds of up to 62 miles per hour. Mr Balfour, in his oral evidence, stated that he was on the A3 for a long period of time. These were fast speeds at which to drive while in charge of a vehicle with children under his care whilst at the same time sending messages on WhatsApp. The panel concluded that Mr Balfour was not considering the risk to and from other drivers and the possibility of unexpected events. In addition, Mr Balfour was not considering the potential consequences of his actions resulting from splitting his attention between driving and composing the messages. In Mr Balfour's oral evidence, he described that he was in his own "*bubble*" at the front of the vehicle. The pupils were in the main body of the vehicle listening to music. The panel noted that Mr Balfour was splitting his attention between driving, keeping his attention on the pupils for whom he was responsible, whilst engaging in WhatsApp

message exchanges. The panel considered Mr Balfour was risking the pupils' safety by driving with reduced attention by sending messages. The panel considered that his attention should unquestionably have been on the road, his driving and the children in the minibus.

The panel also noted the School's Code of Practice for Minibus Safety, which expressly prohibited the use of mobile phones while driving and stated that the number of distractions should be "*discouraged*", including using a mobile phone. The panel further noted that the Code of Practice for Minibus Safety stated that "*calls not directly related to the journey should never be made or received while drivers are responsible for child passengers or in charge of a minibus.*"

On examination of the evidence before it, the panel found allegation 2(a) proved.

b. emotionally unfit to drive.

The panel noted that Mr Balfour denied this allegation.

The panel considered the evidence of the messages sent whilst Mr Balfour was driving, which included a message stating [REDACTED].

The panel considered the oral evidence and written statement of Witness A. In his written statement, he said that he spoke to Mr Balfour after his argument with Witness D but before Mr Balfour left the School driving the minibus. He described feeling no concern about Mr Balfour's state of mind and ability to drive. Witness A called Mr Balfour whilst the latter was driving the minibus to check on Mr Balfour's welfare. Witness A in evidence described Mr Balfour as sounding "*matter of fact*" and not "*distressed or emotional*". However, Witness A noted in his written statement that when he went to the football match to pick Mr Balfour up and take him back to school, Mr Balfour "*appeared shaken*" and "*preoccupied*".

The panel considered the oral evidence and written statement of Witness C, who gave evidence of the argument she witnessed between Witness D and Mr Balfour shortly before he drove the minibus. Witness C recalled raised voices from Witness D's side and described Mr Balfour as "*hunched*". The panel noted that Witness C, during her oral evidence, said that she did not hear Mr Balfour shouting.

The panel noted Individual C's account dated 22 November 2023 which noted that he received a phone call from Mr Balfour following the argument. Mr Balfour notified him that he and Witness D were on their way back and that Mr Balfour had answered very calmly.

The panel also noted the account provided by Individual D in which he stated that he saw Mr Balfour carrying a bag of balls towards the astro and saying "*everything good here? I am going to my match*" which the panel considered to be not consistent with being emotionally unfit to drive.

The panel considered the oral evidence and written statement of Mr Balfour, who admitted that his discussion with Witness D prior to driving the minibus had been emotional. The panel further considered his submissions that the [REDACTED] was a “*throwaway comment*”, and that he had no mental health difficulties at the time of the incident.

The panel considered the oral evidence and written statement of Witness D, who gave evidence regarding her argument with Mr Balfour on 21 November 2023. In her written statement dated 4 March 2026 she stated that he sent messages that he was “*emotional and worried* [REDACTED]” and described Mr Balfour in her oral evidence as “*worried*” and “*not overly emotional*”.

The panel was directed to The Highway Code by Mr Balfour’s representative which, she stated, did not refer to a condition of being “*emotionally unfit to drive*”.

The panel considered Mr Balfour’s written and oral evidence, that Mr Balfour’s reference [REDACTED] “*was a poor turn of phrase*” and a “*throw away comment*”.

The panel had noted and carefully considered Witness A’s and Mr Balfour’s written and oral evidence regarding Mr Balfour appearing “*shaken*” at Witness A’s arrival at the match. The panel did not consider this to be relevant to the allegation because it did not relate to the driving to the match.

The panel did not consider that the evidence individually or together established on the balance of probabilities that Mr Balfour was “*emotionally unfit to drive*”. The panel found allegation 2(b) not proven.

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

Having found two of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as “*the Advice*”.

The conduct fell within the education setting as it involved Mr Balfour driving the children to an organised school away fixture.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Balfour, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE").

The panel considered that Mr Balfour was in breach of Part 1 of KCSIE 2023 which requires a child centred and co-ordinated approach to safeguarding.

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

The panel also considered whether Mr Balfour's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that none of these offences was relevant. Whilst the conduct concerned driving, the panel did not consider the conduct found proven to amount to a serious driving matter.

The panel considered that Mr Balfour was clearly responsible for pupils in a situation where any lack of attention could have very serious consequences.

The panel considered, and had found, that Mr Balfour was risking pupils' safety by driving with reduced attention including by sending messages whilst driving. The panel considered this to be a very serious failure and serious misconduct on his part.

The panel considered Mr Balfour's attention should have been fully focused on the road and the children in line with the requirement to safeguard pupils.

The panel again considered Mr Balfour's written and oral evidence relating to reflection and in particular to the section relating to how he had consistently spoken to pupils about responsibility, safety and making sound decisions under pressure, and the importance of modelling those behaviours. The panel did not consider that he had modelled such behaviour.

The panel considered whether there were any personal mitigating circumstances that might explain parts of Mr Balfour's conduct at the relevant time. The panel did not consider that his [REDACTED] at the time provided any mitigation for his behaviour. The panel accepted that Mr Balfour had some concerns [REDACTED].

The panel was satisfied that the conduct of Mr Balfour amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession and he made an admission to this effect.

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

In relation to whether Mr Balfour'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.

The panel again considered whether Mr Balfour's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. As set out above in the panel's findings as to whether Mr Balfour was guilty of unacceptable professional conduct, the panel found that none of these offences were relevant.

The panel considered that Mr Balfour's conduct would likely have a negative impact on his status as a teacher and could potentially damage the public's perception of a teacher. The panel felt that members of the public would not expect a teacher to use a mobile phone to engage in private messaging about [REDACTED] when driving a vehicle carrying students.

The panel considered that parents would expect careful and meticulously attentive driving from teachers whilst transporting pupils. The panel considered Mr Balfour's reflection, expressed during the hearing regarding his current mindset, namely that children are to be treated as "*precious cargo*". The panel observed that this approach should be demonstrated in the behaviour of all teachers from the start of their career. All parents expect teachers to treat their children as "*precious cargo*" at all times and certainly while driving a vehicle transporting their children. By Mr Balfour's own admission, on this occasion, he fell short of that expectation. The panel considered that Mr Balfour was not a role model to other teachers, still less to pupils.

Accordingly, the panel found that Mr Balfour's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, safeguarding and wellbeing of pupils and protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct within the teaching profession.

In light of the panel's findings against Mr Balfour, which involved using his mobile phone to engage with private messaging about [REDACTED] whilst in charge of a minibus transporting pupils and driving with reduced attention, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and the protection of other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Balfour were not treated with the utmost seriousness when regulating the conduct of the profession. The panel considered that the public would expect teachers to always be careful and meticulously attentive when driving and transporting pupils.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present. The conduct found proved against Mr Balfour was serious and placed pupils' safety at risk at a time when he had been entrusted with taking pupils offsite and was responsible for ensuring their safety. The panel considered that this behaviour was outside that which could reasonably be tolerated from a teacher.

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 Balfour in the profession.

The panel decided that there were some public interest considerations in retaining Mr Balfour in the profession, since no doubt had been cast upon his abilities as an educator and in light of the evidence seen by the panel.

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. The panel considered that this expectation was not met in this instance. Mr Balfour was entrusted with responsibility for pupils' safety and welfare, specifically transporting pupils offsite on a journey that lasted approximately 40 minutes and he failed to have due regard for their safety. Parents and the public must be able to rely on teachers to exercise sound judgement and to place safeguarding above all matters, especially [REDACTED].

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 Balfour.

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

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Balfour's actions were not deliberate.

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

The panel accepted that the incident was out of character. The panel considered Individual E's statement, *"I understand a central issue on his referral to the TRA was his use of his mobile phone whilst driving. This is completely out of character for Stuart as I have never observed him using his mobile phone whilst driving"* and *"During our discussions, Stuart has never been anything other than remorseful about the whole*

incident as this has had a profound impact on him. He understands he was stupid but this was entirely out of character for him”.

There was no suggestion that Mr Balfour was previously subject to any regulatory proceedings.

The panel found that Mr Balfour did not demonstrate exceptionally high standards in his personal and professional conduct, nor had he made a contribution to the education sector which the panel considered to be exceptional.

The panel recognised that the evidence was that Mr Balfour was a well-regarded teacher and a respected PE leader. The panel also noted that he made a positive contribution within the School including establishing a GCSE PE course. However, the panel considered that these matters, whilst creditable, did not go beyond what would reasonably be expected of a teacher of his seniority and therefore did not amount to “exceptional” professional contribution or standards.

In reaching that view, the panel also noted that the written character references provided largely described Mr Balfour’s work with pupils and general professionalism and did not provide detailed evidence of exceptional teaching ability or standards of teaching over and above the expectations of his role. The panel observed that the references had not been provided by individuals that were in a position to evaluate Mr Balfour’s particular excellence either as a teacher or a leader.

Mr Balfour provided written character references from the following individuals:

- Individual F, [REDACTED]
- Individual G, [REDACTED]
- Individual H, [REDACTED]
- Individual I, [REDACTED]
- Individual J, [REDACTED]
- Individual K, [REDACTED]
- Individual A, [REDACTED]

The written evidence contained positive comments about Mr Balfour and his approach to teaching. It was clear that the witnesses were aware of the allegations against Mr Balfour and that their comments were recent. The panel noted the following in particular:

- Mr Balfour *“formed trusting and respectful relationships with colleagues and students alike, which speaks to his honesty and integrity”* and *“the fantastic relationships he formed with pupils demonstrate his excellent understanding of safeguarding as well as his adherence to the school’s policies and the Teachers’ Standards.”*

Individual E, [REDACTED]

- *“Mr Balfour strove to raise sporting standards and regularly invested time beyond core responsibilities to contribute to the school community.”*

Individual G, [REDACTED]

- *“In my professional interactions with Mr Balfour, I found him to conduct himself appropriately with colleagues and pupils... During the period in which we worked together, Mr Balfour was committed to his role and contributed positively to the sporting life of the school. He was proactive in developing opportunities for pupils and encouraged participation in extracurricular activities.”*

Individual H, [REDACTED]

- *“I always found Stuart to be professional, knowledgeable and a very committed member of staff... I had no problem with him using the school minibuses as he was always diligent.”*

Individual A, [REDACTED]

- *“His teaching manner is patient, encouraging, and adaptive to the needs of learners. He creates a positive environment that fosters confidence and skill development. His ability to support and guide others is one of the qualities I admire most...”* and *“I have witnessed the impact that these allegations have had on Mr Balfour. They have deeply affected his confidence and taken away a role that formed a significant part of his identity and purpose.”*

Individual I,

- *“His dedication to supporting young people is evident not only in his professional life but also through his voluntary involvement in football coaching at both junior and senior levels.”*

Individual J, [REDACTED]

- *“He has always spoken about his profession with pride and a strong sense of responsibility”* and *“He demonstrates patience, encouragement, and an*

appropriate supportive manner... maintaining clear boundaries and good judgment.”

Individual K, [REDACTED]

The panel also again considered the evidence of Witness D although noted the [REDACTED] between Witness D and Mr Balfour. The panel noted in particular that Witness D said that Mr Balfour:

- *“Demonstrated a strong commitment to professional development, regularly upskilling both himself and his department to improve teaching and learning. In particular he led the delivery of GCSE PE from its introduction, achieving excellent results with the first cohort...”* and that he was *“always available to support colleagues acting as a mentor within the department and helping staff grow”*

The panel also considered Individual E’s statement, again noting the [REDACTED] between them. Individual E described how Mr Balfour would *“prioritise his teaching responsibilities to the detriment of [REDACTED].”*

The panel also had regard to Individual B’s written statement in which he felt that Mr Balfour *“met my expectations of him and demonstrated himself as a competent teacher”*.

The panel considered Mr Balfour’s evidence and ‘reflective journal’. These documents included reflections on his behaviour, an acknowledgment of the potential impact on pupils’ safety, and recognition of the potential effect on the reputation of the teaching profession. In Mr Balfour’s written statement and oral evidence, he expressed regret and remorse, accepted that he had made an error of judgement, and described steps he said he had taken since the incident to avoid repetition including his *“precious cargo”* mindset.

The panel did have some concerns regarding the depth of Mr Balfour’s insight.

The panel reminded itself of Mr Balfour’s message stating *“I’m driving”* but that he then continued to message whilst driving which demonstrated that his actions clearly went further than being a *“small lapse”* (as inaccurately described in his reflective journal) and represented a conscious and continued choice.

In oral evidence, Mr Balfour had sought to minimise the emotional impact of his circumstances at the time and characterised the reference to [REDACTED] as a *“throwaway comment”*. He stated that the situation was not materially different from *“any other day”* and that he was not *“overly emotional”*. The panel considered that this was concerning not least as it appeared to suggest that he was in a frame of mind to make the right choice and stop messaging because he was driving at the time. Instead, he chose to continue messaging.

The panel reminded itself that following the message referring to him [REDACTED], Witness A became sufficiently concerned for Mr Balfour's welfare and for pupil safety that he travelled to the location of the match with Individual L [REDACTED] to relieve Mr Balfour of his duties and remove him from the situation. The panel did note however that within the reflective journal Mr Balfour recorded that he had "*reflected deeply on the message*" and that it "*demonstrated poor judgement and a failure to model emotional responsibility.*" He reflected that over the past two years he had been more deliberate about his language and that he was "*conscious that off-hand comments can normalise unhealthy attitudes.*" The panel carefully considered the extensive documentation in the bundle regarding mitigation, including the record of training regarding "*Safer Driving at Work*" completed by Mr Balfour.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. In reaching that view, the panel emphasised that the conduct found proved was serious and had engaged the public interest in safeguarding and maintaining public confidence, given that Mr Balfour used his phone to engage in private messaging whilst driving a school minibus transporting pupils and thereby drove with reduced attention. However, having carefully weighed those public interest considerations against the mitigating factors it had identified, the panel concluded that prohibition was not necessary or proportionate in this case. In particular, the panel considered that the incident was isolated and that there was evidence of reflection and remediation such that the panel assessed the risk of repetition to be very low.

Whilst the panel found that Mr Balfour had not developed full insight into the conduct found proven, it was of the view, that as the risk of repetition was low and because of the number of mitigating factors identified, publication of the decision alone would safeguard the public interest considerations identified. In arriving at this decision, the panel considered that the publication in itself would constitute a statement of concern.

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

Decision and reasons on behalf of the Secretary of State

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

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

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Balfour involved breaches of the responsibilities and duties set out in statutory guidance '*Keeping children safe in education*'.

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

The findings of misconduct are serious as they include a teacher using his mobile phone to engage with private messaging about personal issues whilst in charge of a minibus transporting pupils and driving with reduced attention.

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 Balfour, 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 records that it:

“...considered, and had found, that Mr Balfour was risking pupils’ safety by driving with reduced attention including by sending messages whilst driving. The panel considered this to be a very serious failure and serious misconduct on his part.”

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 considered Mr Balfour’s evidence and ‘reflective journal’. These documents included reflections on his behaviour, an acknowledgment of the potential impact on pupils’ safety, and recognition of the potential effect on the reputation of the teaching profession. In Mr Balfour’s written statement and oral evidence, he expressed regret and remorse, accepted that he had made an error of judgement, and described steps he said he had taken since the incident to avoid repetition including his “*precious cargo*” mindset.

The panel did have some concerns regarding the depth of Mr Balfour’s insight.

The panel reminded itself of Mr Balfour’s message stating “*I’m driving*” but that he then continued to message whilst driving which demonstrated that his actions clearly went further than being a “*small lapse*” (as inaccurately described in his reflective journal) and represented a conscious and continued choice.

In oral evidence, Mr Balfour had sought to minimise the emotional impact of his circumstances at the time and characterised the reference to [REDACTED] as a “*throwaway comment*”. He stated that the situation was not materially different from “*any other day*” and that he was not “*overly emotional*”. The panel considered that this was concerning not least as it appeared to suggest that he was in a frame of mind to make the right choice and stop messaging because he was driving at the time. Instead, he chose to continue messaging.

The panel reminded itself that following the message referring to him [REDACTED], Witness A became sufficiently concerned for Mr Balfour’s welfare and for pupil safety that he travelled to the location of the match with Individual L [REDACTED] to relieve

Mr Balfour of his duties and remove him from the situation. The panel did note however that within the reflective journal Mr Balfour recorded that he had “*reflected deeply on the message*” and that it “*demonstrated poor judgement and a failure to model emotional responsibility.*” He reflected that over the past two years he had been more deliberate about his language and that he was “*conscious that off-hand comments can normalise unhealthy attitudes.*” The panel carefully considered the extensive documentation in the bundle regarding mitigation, including the record of training regarding “*Safer Driving at Work*” completed by Mr Balfour.”

Elsewhere, the panel records its opinion that the risk of repetition is “very low”. I have therefore given this element some weight in reaching my decision.

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

“The panel considered that Mr Balfour’s conduct would likely have a negative impact on his status as a teacher and could potentially damage the public’s perception of a teacher. The panel felt that members of the public would not expect a teacher to use a mobile phone to engage in private messaging about [REDACTED] when driving a vehicle carrying students.

The panel considered that parents would expect careful and meticulously attentive driving from teachers whilst transporting pupils. The panel considered Mr Balfour’s reflection, expressed during the hearing regarding his current mindset, namely that children are to be treated as “*precious cargo*”. The panel observed that this approach should be demonstrated in the behaviour of all teachers from the start of their career. All parents expect teachers to treat their children as “*precious cargo*” at all times and certainly while driving a vehicle transporting their children. By Mr Balfour’s own admission, on this occasion, he fell short of that expectation. The panel considered that Mr Balfour was not a role model to other teachers, still less to pupils.

Accordingly, the panel found that Mr Balfour’s actions constituted conduct that may bring the profession into disrepute.”

I am particularly mindful of the finding of a teacher using his mobile phone while driving pupils in this case and the negative impact that such a finding is likely to 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 Balfour himself. The panel notes having had the benefit of considering extensive evidence attesting to his commitment to teaching. It also offers this observation:

“The panel recognised that the evidence was that Mr Balfour was a well-regarded teacher and a respected PE leader. The panel also noted that he made a positive contribution within the School including establishing a GCSE PE course. However, the panel considered that these matters, whilst creditable, did not go beyond what would reasonably be expected of a teacher of his seniority and therefore did not amount to “exceptional” professional contribution or standards.

In reaching that view, the panel also noted that the written character references provided largely described Mr Balfour’s work with pupils and general professionalism and did not provide detailed evidence of exceptional teaching ability or standards of teaching over and above the expectations of his role. The panel observed that the references had not been provided by individuals that were in a position to evaluate Mr Balfour’s particular excellence either as a teacher or a leader.”

A prohibition order would prevent Mr Balfour from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s conclusion that it “...did not consider the conduct found proven to amount to a serious driving matter”. I have also placed considerable weight on its assessment that the risk of repetition is “very low”.


I have also considered and given considerable weight to the panel’s concluding remarks:

“The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. In reaching that view, the panel emphasised that the conduct found proved was serious and had engaged the public interest in safeguarding and maintaining public confidence, given that Mr Balfour used his phone to engage in private messaging whilst driving a school minibus transporting pupils and thereby drove with reduced attention. However, having carefully weighed those public interest considerations against the mitigating factors it had identified, the panel concluded that prohibition was not necessary or proportionate in this case. In particular, the panel considered that the incident was isolated and that there was evidence of reflection and remediation such that the panel assessed the risk of repetition to be very low.

Whilst the panel found that Mr Balfour had not developed full insight into the conduct found proven, it was of the view, that as the risk of repetition was low and because of the number of mitigating factors identified, publication of the decision alone would safeguard the public interest considerations identified. In arriving at this decision, the panel considered that the publication in itself would constitute a statement of concern.

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

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

A handwritten signature in black ink, appearing to read 'M. Cavey', with a long horizontal flourish extending to the right.

Decision maker: Marc Cavey

Date: 30 April 2026

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