



Mr Mario D'Agostino: Professional conduct panel hearing outcome

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

September 2026

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

Teacher: Mr Mario D’Agostino

TRA reference: 21502

Date of determination: 16 September 2026

Former employer: Kingsley School, Bideford, Devon

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 to 16 September 2026 by way of a virtual hearing, to consider the case of Mr Mario D’Agostino.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Mrs Melissa West (teacher panellist) and Mrs Emma Barnett KPM (lay panellist).

The legal adviser to the panel was Ms Lara Small of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Caroline Collins of Capsticks Solicitors LLP.

Mr Mario D’Agostino was not present at the hearing, nor was he represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 25 June 2026.

It was alleged that Mr D'Agostino was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a Teacher at Kingsley School ("the School"):

1. On or around 9 December 2022, he:
 - a. grabbed Person A's neck; and/or
 - b. pushed Person A by the neck; and/or
 - c. attempted to punch Person A.
2. On or around 3 February 2023, he accepted a Community Resolution Order for the offence of assault, in connection with his conduct at allegation 1a and/or 1b and/or 1c above.

In his response to the notice of referral dated 5 October 2024, Mr D'Agostino admitted the facts of allegations 1(c) and 2 but denied the facts of allegations 1(a) and 1(b).

In respect of those admitted facts, Mr D'Agostino made no admission as to whether his conduct amounted to unprofessional 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, anonymised pupil list and list of key people – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 65

Section 3: TRA witness statements – pages 66 to 73

Section 4: TRA documents – pages 74 to 194

Section 5: Teacher documents – pages 195 to 301

A Service Bundle – pages 302 to 388

In addition, the panel agreed to accept the following:

- Presenting Officer's Opening Note – pages 389 to 392
- Mr D'Agostino's representative's written representations document – pages 393 to 395.

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

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

Witnesses

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

Person A - [REDACTED];

Witness B - [REDACTED]; and

Witness C - [REDACTED].

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2021, Mr D'Agostino commenced employment at the School as a maths teacher in the Special Educational Needs ('SEN') department.

On 30 September 2022, Mr D'Agostino resigned from his position and began to work his notice period.

On 9 December 2022, Mr D'Agostino allegedly grabbed and/or pushed Person A by the neck and attempted to punch him. The police were notified and Mr D'Agostino was dismissed on the same day from his role at the School.

On 3 February 2023, Mr D'Agostino accepted a Community Resolution Order for the offence of assault.

On 7 February 2023, the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

1. On or around 9 December 2022, you:

a. grabbed Person A's neck; and/or

The panel noted that Mr D'Agostino denied allegation 1(a) in his response to the notice of referral dated 5 October 2024. The panel noted that Mr D'Agostino was silent on whether he grabbed Person A's neck in his written statement to the TRA, but that in Mr D'Agostino's representative's written representations document provided to the TRA, it stated that *"Mario has refuted from the outset that he grabbed...Person A."*

The panel considered the witness statement of Person A dated 25 April 2025, in which he described the incident on 9 December 2022 and referred to his statement to the police dated 22 December 2022. In Person A's statement to the police, he described that on 9 December 2022 he was delivering the final assembly before the end of the school term when he noticed Mr D'Agostino enter the back of the hall and leave a few minutes later. Person A submitted that he then finished the assembly and stayed behind in the hall whilst students had their photos taken. When finished, Person A headed towards the auditorium doors walking behind Witness B and Witness C, when Mr D'Agostino walked in. Person A stated that Mr D'Agostino pushed past Witness B and Witness C and that he then *"lunged at me. He grabbed my neck with one hand as he marched forwards, pushing me by the neck back about 1.5 metres towards the wall."* In Person A's statement to the police, he stated that *"there was some redness but no real pain to my neck"*. The panel considered Person A's oral evidence in which he stated that Mr D'Agostino had reached towards him and had put his hand on Person A's neck.

The panel considered the written account of Witness C provided by email dated 16 December 2022. In this email, Witness C stated that Mr D'Agostino went to grab Person A and Witness C believed Mr D'Agostino *"made contact with [Person A's] neck and gripped"*. The panel considered the statement Witness C provided to the police in which he stated, *"As Mario approached [Person A] I saw Mario raise his left hand and reach towards [Person A's] throat area in a grabbing motion"*. In Witness C's statement to police, he confirmed that he was a few feet away from Mr D'Agostino and Person A at the time of the incident and that there was nothing obstructing his view.

The panel considered Witness C's oral evidence in which he described how Mr D'Agostino *"went to grab [REDACTED] by the throat or around the throat area, it may have been the lapel"* using his left hand, which Witness C stated *"that was obviously to steady himself for what to do next – to punch him"*. Witness C also described in his oral evidence that, in his efforts to de-escalate the situation, he had pulled Mr D'Agostino's hand down from where he had been *"holding onto [REDACTED]"*.

The panel considered Witness B's written account he provided by email on 16 December 2022. Witness B stated Mr D'Agostino "*seemed to grab [REDACTED]*", although Witness B submitted he didn't know if Mr D'Agostino had made contact. In his oral evidence, Witness B stated that he did not recall whether Mr D'Agostino did grab Person A, but that it would have been with one hand.

The panel considered all of the evidence before it and concluded that there was consistency in the accounts of Person A and Witness C around contact having been made by Mr D'Agostino on Person A's neck. Given the passage of time, the panel placed more weight on contemporaneous documentary evidence nearer the time of the event in December 2022. The panel further noted that Witness C's oral description of Mr D'Agostino holding onto the throat area to steady himself in readiness to attempt to punch Person A was believable and made logical sense.

On the balance of probabilities, based on the evidence available, the panel found that it was more likely than not that Mr D'Agostino grabbed Person A's neck on 9 December 2022.

The panel therefore found allegation 1(a) proven.

b. pushed Person A by the neck; and/or

The panel noted that Mr D'Agostino denied allegation 1(b) in his response to the notice of referral dated 5 October 2024.

The panel considered Mr D'Agostino's representation at the case to answer stage dated 24 July 2024. Mr D'Agostino's representative submitted that Mr D'Agostino accepted that he raised his hand, however he asserted he did not make contact with Person A, nor did he push Person A. Mr D'Agostino asserted Person A stepped away from him and took a step down the stairs, not that he was pushed by Mr D'Agostino.

However, the panel noted that Mr D'Agostino admitted in his written statement provided to Capsticks on 11 December 2025 that "*I reacted poorly and stepped forward and pushed him*". The panel considered Mr D'Agostino's representative's written representations document in which it stated that "*Mario acknowledges he pushed Person A.*"

The panel further noted that in the letter from [REDACTED] dated 25 November 2025 it stated that "*Mr D'Agostino has acknowledged pushing [REDACTED] during the incident referenced by the TRA*". The panel noted that this was hearsay evidence and therefore treated it with caution.

The panel considered Witness B's email statement dated 16 December 2022 in which he stated that "*[REDACTED] stepped backwards down the steps.*" In his oral evidence, Witness B could not recall seeing any pushes or recall the reason why Person A stepped backwards down the steps.

The panel considered Person A's statement to the police dated 22 December 2022 in which he stated that Mr D'Agostino *"marched forwards, pushing me by the neck back about 1.5 metres towards the wall."* In Person A's oral testimony, when he was asked what had caused him to move backwards, he said, *"the fact that he grabbed me"* and that it was instinctive and that although Mr D'Agostino did not have a firm grip of his neck it ended up pushing him backwards.

The panel considered Witness C's email statement dated 16 December 2022 in which he stated that *"[REDACTED] stumbled towards the stage and made space between him and MA."* In his oral testimony, Witness C clarified that Person A had stumbled back, and that the reason for this was *"a combination between [Person A] trying to avoid the contact, but also a bit of contact."*

The panel considered that based on the evidence before it, it was more likely than not that Mr D'Agostino had pushed Person A during this altercation, particularly given Mr D'Agostino's admission in this respect. The panel noted that it had found allegation 1(a) proven in that Mr D'Agostino was more likely than not to have grabbed Person A's neck, and the panel considered it was therefore more likely than not that the push would have been caused by Mr D'Agostino's contact with Person A's neck.

The panel therefore found allegation 1(b) proven.

c. attempted to punch Person A.

The panel noted that Mr D'Agostino admitted allegation 1(c), as set out in the response to the notice of referral dated 5 October 2024. Nevertheless, the panel considered the evidence before it.

The panel considered Mr D'Agostino's representative's statement at the case to answer stage dated 24 July 2024 in which it stated that *"Mr D'Agostino accepts that he raised his hand however he asserts he did not make contact with Person A."*

The panel considered Person A's statement to the police dated 22 December 2022 in which he stated that *"I saw Mario's clenched fist raised and pulled back at his head level and knew that he was going to punch me. As he swung the arm towards me, I ducked and his fist swung over my head."* When asked in oral evidence whether Mr D'Agostino had made a punching motion towards him, Person A confirmed that he did. Person A stated in his oral evidence that Mr D'Agostino's fist did not make contact with him because he was falling backwards down the steps and Mr D'Agostino missed.

The panel considered Witness B's email statement dated 16 December 2022 in which he stated that *"MDA seemed to grab [REDACTED] and tried to swing a punch"*. This is consistent with the email statement of Witness C dated 16 December 2022 who stated that *"MA appeared to swing a punch"*. When asked to describe this in his oral testimony,

Witness C described it as a “*proper swing over the top, a haymaker as I would call it*”. In Witness C’s police statement, he stated that “*very quickly I saw Mario bring his right arm backwards and then swing his clenched right fist towards the left side of [Person A’s] neck or chin area in what I would describe as a haymaker-style punch. I couldn’t tell whether there was any connection between Mario’s fist and [Person A], but [Person A] did stumble back slightly and down a step away from Mario.*”

The panel concluded that the evidence before it was consistent that Mr D’Agostino had attempted to punch Person A on 9 December 2022.

The panel therefore found allegation 1(c) proven.

2. On or around 3 February 2023, you accepted a Community Resolution Order for the offence of assault, in connection with your conduct at allegation 1a and/or 1b and/or 1c above

The panel noted that Mr D’Agostino admitted allegation 2, as set out in his response to the notice of referral dated 5 October 2024. The panel reviewed the admission alongside the evidence before it, including Person A’s oral evidence and witness statement. The panel considered the admission to be consistent with that evidence.

The panel considered the completed community resolution form and noted that Mr D’Agostino signed this on 3 February 2023.

The panel considered the written statement of Mr D’Agostino, in which he submitted that he had written a formal apology to Person A as part of the Community Resolution Order. The panel saw evidence of this written apology letter to Person A.

The panel considered the oral evidence and written statement of Person A which confirmed he agreed to participate in a police community resolution regarding the assault. Person A confirmed that as part of this process he received a letter of apology from Mr D’Agostino.

Having considered the admitted facts and the supporting evidence, the panel found allegation 2 proven.

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

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

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

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

The panel considered that, by reference to Part 2, Mr D'Agostino 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
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including the rule of law
- 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.

In respect of the School's policies, the panel noted in particular that Mr D'Agostino's actions on 9 December 2022 (as found proved) in grabbing Person A's neck, pushing him by the neck and attempting to punch him, would be in breach of the following:

(i) the School's Staff Code of Conduct policy which provides that "*all individuals associated with the school have the right to be treated with respect and dignity; therefore all employees are expected to treat colleagues...with dignity and respect*" and "*employees and colleagues should strive to maintain co-operative and effective working relationships. Relationships should be courteous, reasonable and fair at all times.*"; and

(ii) The School's Disciplinary Policy which lists '*disorderly or threatening conduct on school premises*' as an example of gross misconduct.

The panel was satisfied that the conduct of Mr D'Agostino, in relation to the facts found proved, involved a breach of the following provision of Keeping Children Safe in Education ("KCSIE") dated 1 September 2022:

- Part One, Paragraph 7: "All staff have a responsibility to provide a safe environment in which children can learn".

The panel was satisfied that the conduct of Mr D'Agostino amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr D'Agostino's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that the offence of violence was relevant.

The panel considered that grabbing and pushing a colleague's neck and attempting to punch them on School premises is serious in nature and is unacceptable behaviour which would not be expected from any professional. The panel did not accept that Mr D'Agostino's attempted punch and the fact that it did not actually connect and/or make physical contact with Person A reduced the level of seriousness of the behaviour.

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

In relation to whether Mr D'Agostino'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 D'Agostino'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 D'Agostino was guilty of unacceptable professional conduct, the panel found that the offence of violence was relevant.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr D'Agostino's status as a teacher. In particular, the panel considered the fact that the incident happened on school premises during the school day, that it could have been witnessed by pupils and that it was investigated by the police indicated the seriousness of the misconduct. The panel considered that Mr D'Agostino's conduct as found proven did not demonstrate role model behaviour for pupils in any way.

The panel noted that Mr D'Agostino's representative stated in the case to answer stage document dated 24 July 2024 as follows: *"Mr D'Agostino recognises that the public is entitled to expect high standards of conduct from members of the profession and fully accepts his behaviour on that day fell below those standards."*

For these reasons, the panel found that Mr D'Agostino's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

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

In light of the panel's findings against Mr D'Agostino which involved him grabbing, pushing and attempting to punch his colleague inside the school, there was a strong public interest consideration in respect of the protection of members of the public (namely Person A), given the violent nature of the conduct. The panel noted the ongoing impact that the incident on 9 December 2022 had on Person A, which was visible in his oral testimony.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr D'Agostino 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 D'Agostino 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 D'Agostino in the profession.

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr D'Agostino in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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 D'Agostino.

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, the only behaviour that was relevant in this case was:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

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 D'Agostino's actions were not deliberate.

There was no evidence to suggest that Mr D'Agostino was acting under extreme duress, albeit the panel recognised that Mr D'Agostino was under emotional stress due to events in his personal life at the time and the evidence before the panel demonstrated a deterioration in the relationship between Mr D'Agostino and Person A prior to 9 December 2022.

The panel did not have evidence before it that suggested Mr D'Agostino had demonstrated exceptionally high standards in his personal and professional conduct or that he contributed significantly to the education sector.

The panel considered the evidence before it which demonstrated Mr D'Agostino's good character. The panel noted that Witness B, Witness C and Person A all spoke positively about Mr D'Agostino's teaching abilities in their oral testimony, and were consistent in that Mr D'Agostino's actions on 9 December 2022 were unexpected and out of character.

The panel considered the character references for Mr D'Agostino. In particular, the panel noted the reference from a former colleague [REDACTED] in which it stated that Mr D'Agostino had been open about what occurred and that *"at the time, he was experiencing significant personal and professional pressures, which I was aware of. This does not excuse what happened, but it provides important context for an isolated lapse that is entirely out of character."*

The panel considered the written statement of Mr D'Agostino. He referred to [REDACTED]. The panel noted that Mr D'Agostino stated he was *"profoundly sorry for what happened"*

explaining how he was overwhelmed, felt unsupported and how his personal circumstances had clouded his judgement. The panel considered Mr D'Agostino's written statement demonstrated genuine remorse, in particular from the following quotes:

- *"I am truly and deeply sorry for my actions on 9 December 2022. My behaviour that day was unacceptable, and I take full responsibility for it."*
- *"I am not offering excuses. I can only offer the truth, my remorse, and the steps I have taken to ensure nothing like that ever happens again."*
- *"The incident on 9 December 2022 is the moment I regret most in my professional life."*

The panel considered that Mr D'Agostino provided insight into his actions on 9 December 2022. In Mr D'Agostino's written statement, he wrote *"I sincerely regret the distress it caused to the Headteacher, my colleagues, and the wider school community"* thereby recognising the impact his actions had had on others.

The panel considered that Mr D'Agostino had taken steps to ensure the incident would not be repeated. The panel noted that Mr D'Agostino had participated in the Community Resolution Order resolution actions and had sent a letter of apology to Person A as part of that. The panel considered the contents of the letter from Make Amends restorative justice dated 19 November 2025 in which it stated that *"this was a first offence at a time when Mr D'Agostino was under [REDACTED]"* and *"the facilitators on this case...gave high praise to Mr D'Agostino for his commendable attitude and involvement within the restorative process."* The panel noted that Mr D'Agostino had undertaken counselling and anger management therapy since the incident, focussing on stress regulation, emotional control and communication and that Mr D'Agostino stated there have been no further incidents of any kind since. The panel noted the contents of the letter from [REDACTED] dated 25 November 2025 in which it stated *"I can report that I have not observed behaviours suggestive of ongoing aggression, and his presentation in therapy has remained stable and reflective. Mr D'Agostino has demonstrated meaningful engagement, accountability, and clear progress in understanding and managing his emotional responses."* The panel therefore considered the risk of repetition to be low.

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. The extent of Mr D'Agostino's mitigation evidence demonstrating his remorse and insight into his actions, and the fact that the incident on 9 December 2022 was a one-

off event lasting around a minute and which has not been repeated since, were significant and persuasive factors in the panel's decision.

Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to Mr D'Agostino as to the standards of behaviour that are not acceptable, and that 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has recommended 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 Mario D'Agostino 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
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including the rule of law
- 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 D'Agostino involved breaches of the responsibilities and duties set out in the statutory guidance '*Keeping children safe in education*'.

The panel finds that the conduct of Mr D'Agostino fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher behaving violently towards a colleague.

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 D'Agostino, 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:

"The panel was satisfied that the conduct of Mr D'Agostino, in relation to the facts found proved, involved a breach of the following provision of Keeping Children Safe in Education ("KCSIE") dated 1 September 2022:

- Part One, Paragraph 7: "All staff have a responsibility to provide a safe environment in which children can learn".

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 that Mr D'Agostino had taken steps to ensure the incident would not be repeated. The panel noted that Mr D'Agostino had participated in the Community Resolution Order resolution actions and had sent a letter of apology to Person A as part of that. The panel considered the contents of the letter from Make Amends restorative justice dated 19 November 2025 in which it stated that *"this was a first offence at a time when Mr D'Agostino was under [REDACTED]"* and *"the facilitators on this case...gave high praise to Mr D'Agostino for his commendable attitude and involvement within the restorative process."* The panel noted that Mr D'Agostino had undertaken counselling and anger management therapy since the incident, focussing on stress regulation, emotional control and communication and that Mr D'Agostino stated there have been no further incidents of any kind since. The panel noted the contents of the letter from [REDACTED] dated 25 November 2025 in which it stated *"I can report that I have not*

observed behaviours suggestive of ongoing aggression, and his presentation in therapy has remained stable and reflective. Mr D'Agostino has demonstrated meaningful engagement, accountability, and clear progress in understanding and managing his emotional responses." The panel therefore considered the risk of repetition to be low."

Given the degree of remorse and insight demonstrated by Mr D'Agostino, I agree with the panel's conclusion regarding the risk of repetition. I have therefore given this element some weight in reaching my decision.

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

"The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr D'Agostino's status as a teacher. In particular, the panel considered the fact that the incident happened on school premises during the school day, that it could have been witnessed by pupils and that it was investigated by the police indicated the seriousness of the misconduct. The panel considered that Mr D'Agostino's conduct as found proven did not demonstrate role model behaviour for pupils in any way.

The panel noted that Mr D'Agostino's representative stated in the case to answer stage document dated 24 July 2024 as follows: *"Mr D'Agostino recognises that the public is entitled to expect high standards of conduct from members of the profession and fully accepts his behaviour on that day fell below those standards."*

For these reasons, the panel found that Mr D'Agostino's actions constituted conduct that may bring the profession into disrepute."

I am particularly mindful of the finding of violent conduct in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may 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 D'Agostino himself. The panel makes this observation:

“The panel did not have evidence before it that suggested Mr D’Agostino had demonstrated exceptionally high standards in his personal and professional conduct or that he contributed significantly to the education sector.

The panel considered the evidence before it which demonstrated Mr D’Agostino’s good character. The panel noted that Witness B, Witness C and Person A all spoke positively about Mr D’Agostino’s teaching abilities in their oral testimony, and were consistent in that Mr D’Agostino’s actions on 9 December 2022 were unexpected and out of character.”

I have also noted the evidence of mitigating circumstances in this case, while also taking account of the panel’s findings that Mr D’Agostino’s behaviour was deliberate and committed free of extreme duress.

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

In this case, I have placed considerable weight on the panel’s comments concerning the low risk of repetition and Mr D’Agostino’s insight and remorse. I have also noted the panel’s findings that this appears to have been an isolated incident rather than part of a pattern of behaviour, and that it was “...at the less serious end of the possible spectrum”.

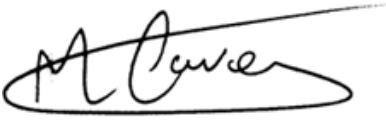
I have also considered and given weight to the panel’s concluding remarks:

“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. The extent of Mr D’Agostino’s mitigation evidence demonstrating his remorse and insight into his actions, and the fact that the incident on 9 December 2022 was a one-off event lasting around a minute and which has not been repeated since, were significant and persuasive factors in the panel’s decision.

Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to Mr D’Agostino as to the standards of behaviour that are not acceptable, and that 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', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 22 September 2026

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