



Teaching
Regulation
Agency

Mr Mark Ogley: Professional conduct panel meeting outcome

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

November 2021

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

Teacher:	Mr Mark Ogley
Teacher ref number:	1268426
Teacher date of birth:	12 March 1983
TRA reference:	18690
Date of determination:	11 November 2021
Former employer:	Rawmarsh Community School, Rotherham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 11 November 2021 by way of a virtual meeting, to consider the case of Mr Mark Ogley.

The panel members were Mr Steve Woodhouse (teacher panellist – in the chair), Mrs Emma Moir (lay panellist) and Mr Craig Underwood (lay panellist).

The legal adviser to the panel was Mr Robert Kellaway of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Mark Ogley that the allegations be considered without a hearing. Mr Mark Ogley provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered the case at a meeting without the attendance of the presenting officer Ms Sherelle Appleby of Browne Jacobson LLP Solicitors, Mr Mark Ogley or any representative.

The meeting took place in private by way of a virtual meeting, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 20 September 2021.

It was alleged that Mr Mark Ogley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. You engaged in and/or developed an inappropriate relationship with Pupil A including by;
 - a. Giving one-to-one revision sessions unsupervised;
 - b. Sending inappropriate emails outside of school hours;
 - c. Giving her a lift in his car on one occasion or more;
 - d. Hugging her.
2. You engaged in and/or developed an inappropriate relationship with Pupil C including by;
 - a. Befriending her on Facebook in or around November 2018,
 - b. Sending her inappropriate messages on Facebook including the discussion of:
 - i. Her weekend plans,
 - ii. Asking her to meet up for coffee,
 - iii. Complimenting her figure,
 - iv. Messages that her boyfriend is “a lucky man” or words to that effect.
3. You failed to follow management advice given on or around 25 June 2018 and in or around November 2018 including by:
 - a. Befriending pupils at Rawmarsh Community School on Facebook despite being given advice not to do so.

Mr Ogley admitted the facts of allegations 1 to 3 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the statement of agreed facts signed by Mr Ogley on 8 September 2021.

Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case (9 September 2019), new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made.

Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

There was a typographical error in the notice of meeting at allegations 3.b in that it incorrectly referred to Rawmarsh Comprehensive School rather than Rawmarsh Community School. Mr Ogley had been notified of this error and agreed to the wording being amended in the allegations to the correct wording.

Summary of evidence

Documents

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

- Section 1: Notice of referral and notice of meeting – pages 2 to 12b
- Section 2: Teaching Regulation Agency's documents – pages 14 to 150
- Section 3: Statements of agreed facts and presenting officer's representations – part 152 to 157
- Section 4: Teacher's documents – pages 159 to 161.

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Ogley on 8 September 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Ogley for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Ogley qualified as a teacher in September 2014. Mr Ogley was employed by Brookfield Comprehensive School until April 2017. Mr Ogley was then employed as a mathematics teacher at Rawmarsh Community School ('the School'), a coeducational 11 to 16 secondary school which is part of Wickersley Partnership Trust.

During a school trip, on 25 June 2018, a [redacted] informed a member of the School's team that Mr Ogley was providing one-to-one sessions to [redacted] Mr Ogley was advised by a senior colleague that these sessions should not take place.

In November 2018, the School discovered that Mr Ogley was 'friends' with a former student on Facebook. Mr Ogley was asked to remove the former student as a friend and was advised that his relationship with the student should remain professional.

On 13 December 2018, Mr Ogley was suspended from the School pending an investigation into his conduct.

Mr Ogley resigned from the School on 15 February 2019. On 8 March 2019, a disciplinary hearing took place in his absence and the School determined his behaviour constituted gross misconduct and he was summarily dismissed.

On 12 March 2019, [redacted] raised concerns in relation to two former pupils of Brookfield Comprehensive School, Mr Ogley's former employer. Pupil C disclosed that she had been 'friends' with Mr Ogley on Facebook since November 2018 and had had regular contact with him.

In summary, the allegations regarding Pupil C relate to Mr Ogley's employment at Brookfield Comprehensive School and the allegations concerning Pupil A relate to Mr Ogley's employment at Rawmarsh Community School.

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 engaged in and/or developed an inappropriate relationship with Pupil A including by:

- a. giving one-to-one revision sessions unsupervised;**
- b. sending inappropriate emails outside of school hours;**
- c. giving her a lift in your car on one occasion or more;**
- d. hugging her.**

The panel noted that, in the statement of agreed facts, signed by Mr Ogley on 8 September 2021, he admitted he had engaged in and/or developed an inappropriate relationship with Pupil A. In particular, Mr Ogley accepted his conduct was not in line with the appropriate boundaries the teaching profession expects from its members. Notwithstanding Mr Ogley's admission, the panel made its own determination of the facts of this allegation on the evidence before it.

[Redacted].

Mr Ogley admitted that he provided Pupil A with one-to-one revision sessions unsupervised with Pupil A on the School's premises. The panel considered there was evidence that these sessions had taken place on a regular basis with multiple sessions taking place each week. Further, the panel was concerned by the statement given by Pupil A during the School's investigation that she '*saw [Mr Ogley] at break to let off steam. Got that kind relationship with him.*' and further '*I hugged him once in revision someone saw. I didn't want him to get into trouble.*'

The panel considered that holding one-to-one revision sessions with a pupil was not in itself inappropriate but it considered the extent of the one-to-one sessions which Mr Ogley held with Pupil A and the fact that, on the balance of all the evidence, it found the sessions were not purely for revision purposes, was evidence that Mr Ogley had developed and/or engaged in an inappropriate relationship with Pupil A.

Mr Ogley admitted that he had sent inappropriate emails outside of school hours. The panel noted evidence within the bundle that emails had been exchanged over the weekend and on Friday evening and over the course of summer holidays.

The panel considered there were numerous examples within the bundle that the content of the emails were inappropriate, especially between a teacher and their pupil. Examples of Mr Ogley's emails to Pupil A included:

'Hello lovely, How's your evening? Just thought I'd say hi and that if you need any help with options I'm here for you. Think I will wear my blue tie tomorrow [smiley face emoji].'

'Good morning [Pupil A]. Hope you are having a lovely weekend, are you up to much.'

'I wondered when you are next looking to do some work (maybe Saturday or something?)'

'Mr Ogleyx' and 'Mr O x'

The panel also noted there was a lack of evidence that Mr Ogley had in fact been providing Pupil A with work when he had been emailing her at the weekend and outside of school hours.

Mr Ogley accepted, via his solicitor's letter dated 9 March 2019, that some of the emails with Pupil A had related to topics outside of the academic and school setting, such as personal interests. Further, Mr Ogley accepted that some of the emails were inappropriate in tone and crossed the professional boundary into the teacher/pupil relationship becoming inappropriate.

Mr Ogley admitted in the statement of agreed facts that he had provided Pupil A with a lift in his car on one or more occasions. Mr Ogley had also admitted, via his solicitor's letter dated 9 March 2019, that he had offered Pupil A a lift home. Previously, during the School's investigation Mr Ogley had stated he could not remember whether he had given Pupil A a lift home. The panel also noted that Pupil A had given evidence during the School's investigation that she had been in Mr Ogley's car more than once.

Mr Ogley had admitted in the statement of agreed facts that he had hugged Pupil A. Mr Ogley had accepted, via his solicitor's letter dated 9 March 2019, that Pupil A had given him chocolates as a thank you gift and hugged Pupil A *'at arm's length'* in front on a classroom full of pupils. Pupil A also referred to this hug during the School's investigation.

The panel noted that Pupil A had also stated during the School's investigations that she had hugged Mr Ogley on another occasion, during a revision session. The panel noted that Mr Ogley had not disputed that this additional hug had taken place.

The panel considered there was evidence within the bundle, in particular the admissions of Mr Ogley, the accounts of the pupils during the school's investigation and copies of the email conversations between Mr Ogley and Pupil A, which supported, on the balance of probability, the finding of the limbs of allegation 1. Accordingly, the panel found the allegations 1.a, 1.b, 1.c, and 1.d proved.

2. You engaged in and/or developed an inappropriate relationship with Pupil C including by:

a. befriending her on Facebook in or around November 2018;

b. sending her inappropriate messages on Facebook including the discussion of:

- i. her weekend plans;**
- ii. asking her to meet up for coffee;**
- iii. complimenting her figure;**
- iv. messages that her boyfriend is “a lucky man” or words to that effect.**

The panel noted that, in the statement of agreed facts signed by Mr Ogley on 8 September 2021, Mr Ogley admitted the facts of allegation 2.

Mr Ogley admitted that, in or around November 2018, he had befriended Pupil C on Facebook, a year after he had left his teaching post at Brookfield Comprehensive School. [Redacted].

Mr Ogley also admitted in the signed statement of agreed facts that he had sent inappropriate messages to Pupil C on Facebook including discussions of Pupil C’s weekend plans, asking her to meet up for coffee, complimenting her on her figure and messages that her boyfriend is ‘a *lucky man*’ or words to that effect.

The panel noted the handwritten statement from Pupil C, dated 10 December 2018, in which she stated ‘*Messages with Mr Ogley were exchanged about prom, towards the end of November*’. ‘*The messages started normal, talking about prom and my A-Levels... However, when this conversation ended he continued talking to me, asking me what I got up to in my spare time and what I was doing at over the weekend.*’ Further, in this statement, Pupil C then referred to each of the limbs of allegation 2 taking place during these messages.

Pupil C’s statement was corroborated by a contemporaneous statement of another, dated 10 December 2018. The information within that statement was consistent with the statement provided by Pupil C.

Whilst the panel did not have copies of the messages which were exchanged between Pupil C and Mr Ogley, given Mr Ogley’s admissions and the contemporaneous statement provided by Pupil C which was corroborated by another pupil, the panel concluded that on the balance of probabilities it was more likely than not that each of the limbs of allegations 2 had taken place. The panel found the facts of all limbs of allegation 2 proved.

3. You failed to follow management advice given on or around 25 June 2018 and in or around November 2018 including by:

a. befriending pupils at Rawmarsh Community School on Facebook despite being given advice not to do so.

The panel noted that, in the statement of agreed facts signed by Mr Ogley on 8 September 2021, Mr Ogley admitted the facts of allegation 3.

Mr Ogley admitted that on 25 June 2018 and in November 2018, he was provided with management advice regarding appropriate conduct with pupils. Mr Ogley admitted that he failed to follow this advice.

The panel considered a signed meeting note, dated 25 June 2018, which referred to a discussion which the School had with Mr Ogley in relation to a concern that had been raised following a pupil's comment during a school trip. The conversation referred to Mr Ogley's one-to-one tuition with Pupil A. The agreed actions of the meeting were that: Mr Ogley would ensure that any one-to-one conversations with Pupil A would be done with the door open; Mr Ogley was to signpost Pupil A to her current maths teacher for assistance with maths revision; and Mr Ogley was to ensure all future break time revision sessions were group focussed (rather than one-to-one sessions). In the School's note of this meeting, Mr Ogley commented '*it was possible Pupil A had grown a bit attached to him*'.

Firstly, the panel was concerned that Mr Ogley had not disclosed to the School at the meeting on 25 June 2018 that he was in email correspondence with Pupil A. Secondly, the panel was concerned that despite what was discussed at this meeting, regarding having boundaries with Pupil A and the fact she may be attached to him, Mr Ogley then proceeded to exchange numerous personal emails with Pupil A in the following days and weeks without informing the School and continued to hold one-on-one revisions sessions with Pupil A.

The panel considered Mr Ogley had clearly ignored a clear management instruction which concerned safeguarding of pupils and therefore should have been in the forefront of his mind.

The panel noted the School's morning briefing document dated 2 October 2018 which included a note that '*Being Facebook friends with students is not a good idea*'. Although, the School could have been more unequivocal in the language used at this briefing about not being friends with pupils on Facebook, the panel considered this further guidance was flagrantly disregarded by Mr Ogley as he continued to be friends with, and message, pupils on Facebook.

The panel noted an email exchange between two staff members of the School between 23 November and 26 November 2018 which referred to Mr Ogley having been friends on Facebook with a pupil.

The panel considered there was evidence within the bundle, in particular notes of the disciplinary meeting, which supported Mr Ogle's admission of the facts.

The panel found the facts of allegation 3 proved.

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 the 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 was satisfied that the conduct of Mr Ogley in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Ogley 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
- 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 concluded that Mr Ogley's conduct fell significantly short of the standards expected of the profession. Mr Ogley had completely failed to maintain proper professional boundaries with a pupil who, by his own admission, had become attached to him and therefore should have been considered a vulnerable pupil. Moreover, Mr Ogley acted wholly inappropriately in the messages he sent to Pupil C in November 2018 who had been a former pupil [redacted].

As a teacher, Mr Ogley was in a privileged position and his principle duty was to safeguard the pupils which he taught and interacted with. Mr Ogley had blatantly and consistently failed in that duty in his actions in respect of allegations 1 and 2. Further, Mr Ogley had completely ignored the clear management instructions he had received from

the School which related to safeguarding concerns. As a teaching professional, he should have taken those instructions with the utmost seriousness given they related to the protection of pupils but, unreasonably, he continually ignored those instructions.

The panel also considered whether Mr Ogley's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations 1.b, 1.c, 2.a and 2.d took place outside the education setting in that they took place outside of school hours or outside of school. However, the panel considered that the nature of Mr Ogley's misconduct touched upon his profession as a teacher. The panel considered that teachers have a responsibility to all children to maintain professional boundaries which Mr Ogley had not done.

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

The panel took into account the way the teaching profession is viewed by others and 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 they behave. The panel was of a view that Mr Ogley's conduct would bring the teaching profession into dispute.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel considered that it was likely that parents and members of the public would consider the proven allegations to be incompatible with teaching given safeguarding responsibilities and the trust that members of the public place in the profession.

The panel therefore found that Mr Ogley's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1 to 3 proved, the panel further found that Mr Ogley's conduct amounted to both unacceptable professional conduct and 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 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. The panel also considered the public interest in retaining teachers in the profession.

In the light of the panel's findings against Mr Ogley, which involved forming inappropriate relationships with pupils over a continued period, there was a strong public interest consideration in respect of the protection of pupils.

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

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

The panel decided that there was no evidence of a significant or substantial public interest in retaining Mr Ogley in the profession.

Notwithstanding the 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 Ogley.

In carrying out the balancing exercise, the panel had regard to the public interest considerations as well as the interests of Mr Ogley. 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 are relevant in this case are:

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

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

The panel was in no doubt that Mr Ogley has seriously departed from the Teachers' Standards in respect of his proven misconduct. Moreover, the panel found Mr Ogley's proven misconduct to be incompatible with being a teacher.

The panel concluded Ogley's conduct would have seriously affected the education and/or well being of pupils as he encouraged and actively developed inappropriate relationships with more than one pupil where there was a complete imbalance of power. There was deemed to be a continuing risk as Mr Ogley had failed to adhere to the previous instructions, repeating his misconduct over a significant period of time. In any event, even without these management instructions, Mr Ogley should have been fully aware that his conduct, committed over a significant period of time, was an abuse of the position of trust and counter to the very basic tenet of being a teaching professional. Further, Mr Ogley had not displayed proper regard for the serious negative impact his actions were likely to have on the pupils involved.

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 Ogley's actions were not deliberate. In fact, the panel found Mr Ogley's actions to be calculated and he had encouraged or sought inappropriate relationships with more than pupil.

The panel considered Mr Ogley was not acting under duress at the material time.

There was no evidence that Mr Ogley had previously been subject to disciplinary proceedings or warnings.

There was no substantive evidence submitted to attest to Mr Ogley's previous history as a teacher. Mr Ogley did not submit any documents for the panel to consider in respect of mitigation aside from his solicitor's letter dated 9 March 2021, which in the main admitted the allegations and was extremely limited in displaying Mr Ogley's remorse or insight into his misconduct.

In an undated letter to the School's governors prior to his dismissal, Mr Ogley had stated that he was deeply sorry for the situation and never intended to cross professional boundaries. However, the panel was unconvinced that Mr Ogley had evidenced any genuine remorse for his actions. Mr Ogley stated in this letter that he did not intentionally

cross boundaries ignoring the fact he intentionally sent numerous emails to a Year 9 pupil outside of school hours, which were inappropriate.

Further, the panel concluded that Mr Ogley had not demonstrated insight into why his actions had been so serious. Mr Ogley's letter to the governors was devoid of any insight into the potential negative consequences and impact of his actions on the pupils and the reputation of the teaching profession.

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. The panel considered that recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Ogley 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 Ogley. The lack of insight into his actions 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 to recommend that a review period of the order should be considered. 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 behaviours that, if proved, would militate against the recommendation of a review period (although the list within the Advice is not an exhaustive one). The panel found that Mr Ogley was not responsible for any such behaviours.

However, the panel considered Mr Ogley's conduct to be extremely serious. His misconduct had taken place over a period of time and had concerned more than one pupil. Notwithstanding the fact he should have been aware of his basic safeguarding responsibilities as a teacher, Mr Ogley intentionally and repeatedly ignored clear management instructions which would have prevented further risk to pupils. Furthermore, along with providing no mitigation, Mr Ogley offered no evidence that he had any true insight into why his repeated misconduct had been so wrong. The panel concluded that Mr Ogley had consistently displayed conduct which was incompatible with being a

teacher and no evidence was provided to the panel that this may change in the future following a review period.

The panel decided that the findings indicated a situation in which a review period would not 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 no review period.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Mark Ogley should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Ogley 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
- 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 finds that the conduct of Mr Ogley fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of forming inappropriate relationships with pupils over a continued period.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of 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 Ogley, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Ogley, which involved forming inappropriate relationships with pupils over a continued period, there was a strong public interest consideration in respect of the protection 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 the panel sets out as follows, "In an undated letter to the School's governors prior to his dismissal, Mr Ogley had stated that he was deeply sorry for the situation and never intended to cross professional boundaries. However, the panel was unconvinced that Mr Ogley had evidenced any genuine remorse for his actions. Mr Ogley stated in this letter that he did not intentionally cross boundaries ignoring the fact he intentionally sent numerous emails to a Year 9 pupil outside of school hours, which were inappropriate.

Further, the panel concluded that Mr Ogley had not demonstrated insight into why his actions had been so serious. Mr Ogley's letter to the governors was devoid of any insight into the potential negative consequences and impact of his actions on the pupils and the reputation of the teaching profession." In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' wellbeing. 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 observe, "a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Ogley was outside that which could reasonably be tolerated."

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, 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 Ogley himself the panel comment "There was no substantive evidence submitted to attest to Mr Ogley's previous history as a teacher."

However, a prohibition order would prevent Mr Ogley 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 following comments from the panel including the lack of insight, "the panel considered Mr Ogley's conduct to be extremely serious. His misconduct had taken place over a period of time and had concerned more than one pupil. Notwithstanding the fact he should have been aware of his basic safeguarding responsibilities as a teacher, Mr Ogley intentionally and repeatedly ignored clear management instructions which would have prevented further risk to pupils. Furthermore, along with providing no mitigation, Mr Ogley offered no evidence that he had any true insight into why his repeated misconduct had been so wrong."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ogley 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. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning 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 that no provision should be made for a review period.

I have considered the panel's comments "The panel concluded that Mr Ogley had consistently displayed conduct which was incompatible with being a teacher and no evidence was provided to the panel that this may change in the future following a review period."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession due to the nature of the

misconduct found proven, which took place over a prolonged period with more than one pupil and the lack of insight.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Mark Ogle is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Ogle shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Ogle has a right of appeal to the Queen's Bench Division of 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 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 18 November 2021

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