



National College for  
Teaching & Leadership

# **Mark Rowley: Professional Conduct Panel outcome**

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

**1 October 2013**

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## **Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State**

<b>Teacher:</b>	Mr Mark Rowley
<b>Teacher ref no:</b>	0152678
<b>Teacher date of birth:</b>	16 February 1980
<b>NCTL Case ref no:</b>	9931
<b>Date of Determination:</b>	1 October 2013
<b>Former employer:</b>	Wolverhampton Academy

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 1 October 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Mark Rowley.

The Panel members were Mr John Speller (Teacher Panellist– in the Chair), Councillor Gail Goodman (Teacher Panellist) and Mr Martin Greenslade (Lay Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Morgan Cole LLP solicitors.

The meeting took place in private and was recorded.

### **B. Allegations**

The Panel considered the allegation set out in the Notice of Proceedings dated 6 September 2013.

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

**Whilst working at Wolverhampton Academy, he formed an inappropriate relationship with a student, Pupil A, and subsequently engaged in sexual activity with her.**

Mr Rowley admitted the facts of the allegation and that they amount to unacceptable professional conduct/conduct that may bring the profession into disrepute.

## C. Preliminary applications

None.

## D. Summary of evidence

### Documents

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

- Section 1 - Anonymised Pupil list at pages 1 to 2
- Section 2 - Notice of Referral and Response at pages 3 to 8B
- Section 3 - Statement of Agreed Facts/Representations at pages 9 to 13
- Section 4 - NCTL documents at pages 14 to 55
- Section 5 - Teacher's documents at pages 56 to 68

### Statement of Agreed Facts

The Panel considered a Statement of Agreed Facts.

## E. Decision and reasons

The Panel announced its decision and reasons as follows:

'We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

### Findings of Fact

The circumstances of this case are summarised in the Statement of Agreed Facts. Our findings of fact are as follows:

**Whilst working at Wolverhampton Academy, Mr Rowley formed an inappropriate relationship with a student, Pupil A, and subsequently engaged in sexual activity with her.**

We have found the particulars of this allegation against Mr Rowley proven based on his admission and the content of the Statement of Agreed Facts.

## **Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute**

Mr Rowley admits that the facts of the allegation amount to unacceptable professional conduct/conduct that may bring the profession into disrepute. The Panel took this admission into account, but formed its own view. The Panel noted that Mr Rowley does not accept the veracity of some of the wider concerns expressed by the safeguarding board and the Panel has disregarded them in making a determination.

The Panel noted that Mr Rowley's relationship with Pupil A developed over a period of time in which he was her teacher in school and outside school. Pupil A's parents acquiesced in the relationship.

The Panel noted that the sexual relationship began after Mr Rowley had ceased to provide her with guitar lessons. However, Pupil A was still a pupil of the school and Mr Rowley was still employed by the school as a peripatetic music teacher until July 2012.

In making a determination, the Panel had regard to the personal and professional conduct elements of the latest Teachers' Standards. The Panel is satisfied that Mr Rowley breached the following provisions relating to personal and professional conduct:

Mr Rowley failed to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school by:

- failing to observe proper boundaries appropriate to a teacher's professional position
- failing to have regard to the need to safeguard pupils' well-being, in accordance with statutory provisions

For these reasons, the Panel is satisfied that Mr Rowley's conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

The Panel had regard to the guidance in 'Teacher Misconduct – the prohibition of teachers'. The Panel considered the matters put forward by Mr Rowley in mitigation and the character references submitted.

The Panel concluded that Mr Rowley's conduct involved a serious departure from the personal and professional conduct elements of the latest Teachers' Standards and involved an abuse of a position of trust.

We have noted his previous good history and positive references provided. However, Mr Rowley was not acting under duress and his actions were deliberate. Whilst the Panel noted Mr Rowley's admission that his conduct amounted to unacceptable professional conduct, his submissions to the Panel do not demonstrate an understanding of the seriousness of his conduct.

We have decided to recommend that a Prohibition Order be imposed. In the Panel's view a Prohibition Order is necessary in order to protect children, maintain public confidence in the teaching profession and to declare and uphold proper standards of professional conduct.

The Panel carefully considered whether to recommend that a Prohibition Order be imposed with a provision for the teacher to apply for it to be reviewed after a specified period of time or that there be no provision for review. In making a recommendation, the Panel considered the seriousness of the sexual misconduct in this case. The Panel noted that there were serious aspects, including the fact that the relationship had taken place soon after the pupil's sixteenth birthday and the pupil was still of statutory school age. The relationship had developed over a period of time and Mr Rowley had plenty of opportunity to withdraw from it. In addition, Mr Rowley has not demonstrated an understanding of its seriousness. On the other hand, there is evidence that Mr Rowley has a good record as a teacher and no previous findings against him. Evidence was provided of his selfless commitment to his students. There was no suggestion that this behaviour was part of repeated pattern of behaviour. The relationship, which Mr Rowley says is still continuing, was consensual and, if not encouraged, acquiesced in by the parents.

Balancing these factors, we have decided to recommend that a Prohibition Order be imposed with a provision for the teacher to apply for it to be set aside after ten years. We consider this to be a proportionate recommendation.

## **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 both in respect of sanction and review period.**

**This case is admitted by the teacher and the police issued a Community Resolution Order. This case represented a serious departure from the standards expected of a teacher. The pupil was only just 16 at the time the sexual relationship began and the pupil was still registered at school. Teachers should uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. Mr Rowley failed to observe proper boundaries appropriate to a teacher's professional position and he also failed to have regard to the need to safeguard pupils' well-being, in accordance with statutory provisions.**

**I support the recommendation of the panel that Mr Rowley should be prohibited.**

**I turn now to the issue of a review period. I have given careful consideration to the factors set out by the panel. However, it is evident that Mr Rowley has not shown that he understands the seriousness of the issue. The pupil was only just sixteen and although there is no evidence of any repetition, the pupil was still of statutory school age.**

**I have taken into account the need to be proportionate, but also the need to uphold the public confidence in the teaching profession, and in my view that outweighs other matters.**

**I have therefore decided that there should be no review period.**

This means that Mr Mark Rowley 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 allegation found proved against him, I have decided that Mr Mark Rowley 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 Mark Rowley 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.

**NAME OF DECISION MAKER: Alan Meyrick**



**Date: 2 October 2013**

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