



National College for
Teaching & Leadership

Ms Alexandra Sharman: Professional conduct panel outcome

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

January 2017

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

Teacher: Ms Alexandra Sharman

Teacher ref number: 3331318

Teacher date of birth: 25 March 1985

NCTL case reference: 14169

Date of determination: 10 January 2017

Former employer: Marriotts School

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 January and 10 January 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Alexandra Sharman.

The panel members were Ms Janet Draper (Lay Panellist- in the Chair), Mr Peter Cooper (Teacher Panellist), and Mr Chris Rushton (Lay Panellist).

The legal adviser to the panel was Ms Eve Piffaretti of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP solicitors.

Ms Alexandra Sharman was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 26 October 2016.

It was alleged that Ms Alexandra Sharman was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at the Marriotts School in Stevenage she:

1. Engaged in an inappropriate relationship with Pupil A;
 - a. when they were approximately 15 years old;
 - b. which involved engaging in sexual activity;
 - i. Including sexual intercourse;
 - ii on more than one occasion;

Ms Sharman had not provided a response to the allegations and in the absence of a response the allegations were taken to have not been admitted.

C. Preliminary applications

Application to proceed in the absence of the teacher

The presenting officer applied to proceed with the hearing in the absence of Ms Sharman. After hearing submissions from the presenting officer and receiving legal advice, the Chair announced the decision of the panel as follows:

The panel has decided to proceed with the hearing in the absence of Ms Sharman for the following reasons:

- The panel is satisfied that the Notice of Proceedings has been sent to Ms Sharman in accordance with Rule 4.11
- Ms Sharman is aware that the hearing is taking place and has confirmed that she will not be attending. The panel is satisfied that Ms Sharman has voluntarily waived her right to attend.
- In particular, the panel notes that Ms Sharman's union representative, Ms Gemma Reynolds, Senior Official (Legal and Caseworker) of the NASUWT responded to the NCTL by email dated 5 December 2016 indicating that Ms Sharman had received the Notice of Proceedings. The NASUWT indicate on Ms Sharman's behalf that she *“does not wish to engage with the NCTL process and therefore will not be returning the completed form. She understands that the proceedings will*

continue without her involvement". The NASUWT also refer to previous correspondence sent to the NCTL being an email dated 29 April 2016 which indicated that Ms Sharman did not intend to provide representations or attend the hearing.

- The panel has also heard that Ms Sharman did not wish her union, the NASUWT to attend the hearing on her behalf.
- The panel noted that Ms Sharman had not engaged with any of the investigatory or disciplinary proceedings in this matter.
- No application for an adjournment has been made and there is no indication that Ms Sharman would attend at a later date were the hearing to be adjourned.
- The panel has also had regard to the public interest in these proceedings' taking place reasonably promptly.

D. 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 2 to 6

Section 2: Notice of Proceedings and Response – pages 7 to 16

Section 3: NCTL witness statements – pages 17 to 25

Section 4: NCTL documents – pages 26 to 59

Section 5: Teacher documents – page 60

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

Witnesses

The panel heard oral evidence from

- Witness A, Teacher at Marriotts School.
- Witness B, Former Head of Behaviour, Safety and Attendance at Marriotts School.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Throughout the material time, Ms Sharman was employed as a PE Teacher at Marriotts School in Stevenage.

Ms Sharman commenced her employment at the school in October 2007. It is alleged that when employed at the school, Ms Sharman engaged in an inappropriate relationship with Pupil A, which commenced when he was a pupil in Year 10 and aged 15 years old. It is alleged that this relationship involved engaging in sexual activity on more than one occasion, which included sexual intercourse.

The allegation came to light in approximately June 2015 when Pupil A disclosed to his GP that he had been the victim of alleged sexual abuse at the hands of Ms Sharman when asked why he was "depressed".

Pupil A's GP passed this information on to the Hertfordshire Constabulary. On 20 June 2015, Ms Sharman spoke to a friend and school colleague, Witness B, about a threatening letter that she had received from Pupil A and the nature of her relationship with him. On 21 June 2015, Ms Sharman also told her friend and school colleague, Witness A about the letter from Pupil A and disclosed the nature of her relationship with him.

On 21 June 2015 Witness B informed the Head Teacher at the school of the disclosure made to her by Ms Sharman. Ms Sharman was suspended by the school on 23 June 2015.

Pupil A was interviewed by the police on the 19 July 2015 and informed them that he did not want to make a formal complaint of a crime. Witness A, Witness B and Individual A, a fellow teacher and friend were interviewed by the police during the course of their investigation.

The School was informed by the police in December 2015 that they would not be pursuing criminal prosecution against Ms Sharman. Consequently, the school commenced an investigation in relation to the allegations in January 2016. Ms Sharman submitted her letter of resignation on the 12 January 2016. A disciplinary hearing was convened on the 18th March 2016 and Ms Sharman was dismissed for gross misconduct.

Findings of fact

Our findings of fact are as follows:

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

- 1. You engaged in an inappropriate relationship with Pupil A;**
 - a. when they were approximately 15 years old;**
 - b. which involved engaging in sexual activity;**
 - i. Including sexual intercourse;**
 - ii. on more than one occasion;**

The panel carefully considered the written statement provided from Pupil A. The panel approached Pupil A's evidence with great care and caution due to the manner in which he raised his relationship directly with Ms Sharman, namely the threatening letter he wrote to her, which gave the panel considerable cause for concern. However, Pupil A's evidence was not the sole or decisive evidence before the panel. His evidence that Ms Sharman had engaged in a relationship with him was supported by the evidence provided by Witness A and Witness B.

The panel heard oral evidence from Witness A and Witness B, both of whom it considered to be accurate, honest, and credible witnesses. The panel had the opportunity to question both witnesses and explore the circumstances of Ms Sharman's disclosure to them. Witness A was also present when Ms Sharman disclosed her relationship with Pupil A to others, namely, Ms Sharman's parents, sister and ex-partner. Witness A and Witness B's oral evidence was consistent with and added greater gravity to the written statements provided to the panel by them. The panel believed their oral and written evidence and attached weight to it. The panel are satisfied on the basis of this evidence and the elements of the statement of Pupil A which it corroborated that, on the balance of probabilities, Ms Sharman engaged in an inappropriate relationship with Pupil A.

Furthermore, the panel is satisfied on the balance of probabilities that the inappropriate relationship with Pupil A commenced when Pupil A was aged at least 15 years. This finding is made on the basis of the Pupil A's witness statement and the written and oral evidence of Witness A.

The panel considered Pupil A's statement and the various descriptions he had given of the sexual activity which took place. Having carefully considered the evidence before it the panel are satisfied that the inappropriate relationship between Ms Sharman and Pupil

A involved engaging in sexual activity including sexual intercourse on more than one occasion. The witnesses describe Ms Sharman telling them individually and in the presence of others that Ms Sharman had sex with a student and that she had a sexual relationship with him so that on the balance of probabilities the panel are satisfied that sexual activity took place more than once. Based on the totality of the evidence the panel are satisfied that there was an intimate and sustained relationship between Ms Sharman and Pupil A over an extended period.

On 20 June 2015, Ms Sharman told Witness B about the letter she had received from Pupil A and disclosed that "*lines had been crossed*". On 21 June 2015, Ms Sharman told Witness A about the letter she had received from Pupil A and confirmed that she had a relationship with him. Ms Sharman's ex-partner arrived later that evening and Ms Sharman told him about the letter from Pupil A and said "*I've had sex with a student*". Shortly after she repeated this disclosure to her sister and parents. Both these disclosures took place in the presence of Witness A. On 21 June 2015, Witness B spoke to Ms Sharman by telephone and told her that she would be informing the Head Teacher at the school of the disclosure.

On this basis the panel find allegation 1 and its particulars proven.

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

Having found the allegation to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as "the Advice"

The panel is satisfied that the conduct of Ms Sharman in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Sharman 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 is satisfied that the conduct of Ms Sharman fell significantly short of the standards expected of the profession.

Accordingly, the panel is satisfied that Ms Sharman is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Ms Sharman's actions constitute 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/conduct that may bring the profession into disrepute it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found them all 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.

In light of the panel's findings that Ms Sharman engaged in an inappropriate relationship with Pupil A which involved sexual activity on more than one occasion including sexual intercourse, there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if such conduct were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding 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 Ms Sharman.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Sharman. 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 proven. The panel consider that Ms Sharman's conduct constitutes: -

- a serious departure from the personal and professional conduct elements of the Teachers' Standards;
- an abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct:

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

There is no evidence that Ms Sharman's action were not deliberate and there is no evidence to suggest that she was acting under duress. In fact, the panel found the teacher's actions to be calculated and intentional. However, Ms Sharman does have a previous good history and the panel noted the oral evidence of Witness B that she was an outstanding and popular teacher.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Sharman. The panel is satisfied that having received appropriate safeguarding training Ms Sharman was fully aware of the seriousness of her misconduct. The panel noted that this relationship was both covert and sustained over a considerable period of time. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful 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 proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct that resulted in or had the potential to result in harm to a person, particularly where the individual has used their professional position to influence or exploit a person. The panel heard evidence of the significant impact of Ms Sharman's disclosures on friends and colleagues. The panel also noted Pupil A's account of the impact the relationship had on him.

The panel felt 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 without provisions for a 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 made by the panel in respect of both sanction and review period.

The panel has found the allegation proven, and that Ms Sharman is guilty of unprofessional conduct and conduct which may bring the profession into disrepute.

The panel considers that Ms Sharman 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 is satisfied that the conduct of Ms Sharman fell significantly short of the standards expected of the profession.

The panel has gone on to take into account the Advice published by the Secretary of State. That advice suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards;
- an abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct.

I have considered the public interest in this case. I agree with the panel that there is a strong public interest consideration in respect of the protection of pupils given the panel's findings that Ms Sharman engaged in an inappropriate relationship with a pupil, which involved sexual activity on more than one occasion including sexual intercourse.

I have taken into account the guidance published by the Secretary of State. I have also taken into account the need to be proportionate and to balance the interests of the teacher with the interests of the public.

I have taken into account the mitigating factors considered by the panel. I note that the panel found there was no evidence that Ms Sharman's behaviour or actions were not deliberate or that she was acting under duress. In fact, I note that the panel found the teacher's actions to be calculated and intentional.

The panel is of the view that prohibition is both proportionate and appropriate, and that the public interest considerations outweigh the interests of Ms Sharman. The panel is satisfied that having received appropriate safeguarding training Ms Sharman was fully aware of the seriousness of her misconduct. The panel noted that this relationship was both covert and sustained over a considerable period of time.

I support the recommendation made by the panel. This was a serious case and it is appropriate, proportionate and in the public interest that Ms Sharman be prohibited from teaching.

I now turn to the matter of a review period. I have taken into account the Advice which indicates that there are behaviours that, if proven, would militate against a review period being allowed. These behaviours include serious sexual misconduct.

I note the panel heard evidence of the significant impact of Ms Sharman's disclosures on friends and colleagues, and noted the account of the impact the relationship had on the pupil concerned.

For the reasons stated above, I support the recommendation that there be no review period.

This means that Ms Alexandra Sharman 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 her, I have decided that Ms Sharman shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Sharman has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'JM', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 12 January 2017

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