



National College for
Teaching & Leadership

Mr Duncan Fielding: Professional conduct panel outcome

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

March 2017

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

Teacher: Mr Duncan Fielding

NCTL case reference: 15203

Date of determination: 15 March 2017

Former employer: Grantham Additional Needs Fellowship, Lincolnshire

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (the “NCTL”) convened on 13 to 15 March 2017 at the Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Mr Duncan Fielding (“Mr Fielding”).

The panel members were Ms Fiona Tankard (teacher panellist – in the Chair), Mr Tony Heath (lay panellist), and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Miss Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the NCTL was Mr David Whittaker, instructed by Nabarro LLP.

Mr Duncan Fielding was present and was represented by Mr Jonathan Storey, instructed by the National Association of Head Teachers (NAHT).

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 December 2016.

It was alleged that Mr Duncan Fielding was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he failed to maintain appropriate professional standards and/or appropriate professional boundaries whilst employed as a vice principal by Grantham Additional Needs Fellowship (the “College”) in 2015/2016 when:

1. He sent inappropriate and/or sexualised messages via social media to the following junior staff members:
 - a. Witness A,
 - b. Witness B,
 - c. Witness C,
 - d. Witness D,
 - e. Witness F;
2. He sent via social media an image of his penis to Witness D on one or more occasions;
3. He sent a voice clip via social media to Witness D of him masturbating;
4. He asked Witness D via social media to send him a picture of her breasts;
5. He sent via social media an image of his penis to Witness F;
6. He asked Witness F via social media to send him a picture of her breasts on one or more occasions;
7. At the school’s Christmas party he;
 - a. touched the breast and/or bottom of Witness G,
 - b. touched the bare chest and/or stroked the leg of Witness F;
8. His actions set out above were sexually motivated.

Mr Fielding’s response to the allegations is as follows:

- Allegation 1a – admitted;
- Allegation 1b – admitted;
- Allegation 1c – denied;
- Allegation 1d – admitted;
- Allegation 1e – denied;
- Allegation 2 – admitted;

- Allegation 3 – denied;
- Allegation 4 – admitted;
- Allegation 5 – denied;
- Allegation 6 – denied;
- Allegation 7.a. – denied;
- Allegation 7.b. – denied;
- Allegation 8 – partial admission.

Mr Fielding also admits the allegation of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

Application by Mr Storey to admit additional documents to the hearing bundle:

Mr Storey made an application to admit the following additional documents to the hearing bundle:

1. Witness statement of Mr Fielding (undated);
2. Seven character statements from Mr Fielding’s family, friends and colleagues;
3. A summary of a health check conducted at Ambergate Sports College dated 14 October 2015;
4. An Ofsted report in relation to the school at which Mr Fielding currently works, dated 10 to 12 January 2017.

Mr Whitaker did not object to the admission of these documents.

The panel has decided to exercise its discretion to admit these documents pursuant to its discretion to do so under paragraph 4.18 of the document Teacher misconduct:

Disciplinary procedures for the teaching profession (the “Procedures”), as it considers that the documents are relevant to the proceedings and that their inclusion is fair to the parties.

Application by Mr Storey to exclude the public from parts of the hearing:

Mr Storey also made an application for parts of the hearing to be held in private, where evidence relates to the health issues of Mr Fielding and his wife. After taking legal advice from Miss Ellis, the panel decided that it would be appropriate to exclude the public from parts of the hearing in which such evidence may be discussed, under its power to do so pursuant to paragraph 11.b. of the Teachers’ Disciplinary England Regulations (2012) and paragraph 4.57. of the Procedures. This is because the panel considers that it is not

in the public interest for any such health issues to become public and the panel does not want to deter witnesses from giving evidence that may be relevant to the proceedings but which may touch upon these issues.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – page 2

Section 2: Notice of Proceedings and response – pages 4 to 11

Section 3: NCTL witness statements – pages 13 to 45

Section 4: NCTL documents – pages 48 to 94

Section 5: Teacher documents – pages 96 to 100

In addition, the panel has agreed to accept the additional documents submitted by Mr Fielding, which are listed in section C above. These are added to the bundle at pages 101 to 147.

The panel members confirm that they have read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from the following on behalf of the NCTL:

Witness A – cover supervisor

Witness B – teacher

Witness C – teacher

Witness D – cover supervisor

Witness E – teacher

Witness F – teaching assistant

Witness G – instructor

Witness H – teacher

Witness I – former principal of Grantham Additional Needs Fellowship (“GANF”)

The panel also heard oral evidence from Mr Fielding and Mr Fielding's manager at his current employment (Witness J).

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Both Ambergate Sports College ("Ambergate") and Sandon School ("Sandon") are run by GANF. Ambergate caters for students with moderate learning difficulties, autism and some behavioural problems. Sandon caters for students with profound multiple learning difficulties and autism.

Mr Fielding commenced employment as a support worker at Ambergate Special School, which later became Ambergate, in 2008. He became an instructor in 2010 and achieved qualified teacher status in 2013. He then became vice principal of Sandon in May 2014 and subsequently vice principal of Ambergate in April 2015.

It is alleged that during 2015 to 2016, Mr Fielding sent sexually inappropriate messages and pictures via social media to several junior members of staff. This was reported to the principal of GANF during March 2016, who undertook an internal investigation into the allegations. It is also alleged that during December 2015 at a staff Christmas party, he touched two female members of staff inappropriately. Mr Fielding was suspended from his employment with GANF pending the results of the investigation, and subsequently resigned on 11 March 2016.

Findings of fact

Our findings of fact are as follows:

The panel must decide whether the facts of the case have been proved on the balance of probabilities. The panel has found the following particulars of the allegations against you proven, for these reasons:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that you failed to maintain appropriate professional standards and/or appropriate professional boundaries whilst employed as a Vice Principal by Grantham Additional Needs Fellowship (the “College”) in 2015/2016 when:

1. You sent inappropriate and/or sexualised messages via social media to the following junior staff members:

a. Witness A,

Witness A states in her witness statement (and confirmed in her oral evidence) that Mr Fielding started to send her messages via Facebook Messenger in October 2015, which were not of an inappropriate nature at first. The messages then became sexually inappropriate, and Witness A described the content of those messages.

The panel notes that Mr Fielding admits to sending some sexually inappropriate messages to Witness A, although he does not admit to sending all of the sexually inappropriate messages that Witness A describes.

The panel therefore finds this allegation proved.

b. Witness B,

Witness B states in her witness statement (and confirmed in her oral evidence) that Mr Fielding initiated contact with her via Facebook Messenger on the night of 21 December 2015/early hours of 22 December 2015. She said that he commented how late it was and that the messages were friendly at first, but that he then made sexually inappropriate comments. Witness B described the content of those messages.

Mr Fielding admits to sending some sexually inappropriate messages to Witness B, although he does not agree the exact wording that Witness B describes.

The panel therefore finds this allegation proved.

d. Witness D,

Witness D states in her witness statement (and confirmed in her oral evidence) that Mr Fielding sent her numerous messages via Facebook Messenger from November 2015 to early 2016. Initially, the messages were casual and she felt that Mr Fielding was someone that she could trust. She said that a large number then became sexually inappropriate and provided detail regarding the content of some of these messages. Some messages were sent late at night, in the early hours of the morning and on weekends. She described one occasion on the evening of 13 November 2015 whereby, she received a large amount of messages from Mr Fielding whilst she was having a meal out with her partner, and said that she then received 30 to 40 messages from Mr Fielding that weekend. Witness D said that she often told Mr Fielding to stop sending the messages. Witness D told her partner what was happening and forwarded a number of the messages to him, copies of which the panel has seen in the bundle. She said that the messages subsequently stopped in early 2016, shortly after she was transferred from Ambergate (the school at which Mr Fielding was vice principal) to Sandon.

The panel also heard oral evidence from Witness E, who confirmed that he had often been with Witness D when she had received the sexually inappropriate messages from Mr Fielding and that she had showed a number of them to him. He said that the messages made Witness D upset and that he sometimes received phone calls from her when she was crying after having received them. Witness E said that he encouraged Witness D to tell Mr Fielding to stop sending the messages.

Mr Fielding admits to sending some sexually inappropriate messages to Witness D, although he does not admit to sending all of the sexually inappropriate messages that Witness D describes.

The panel therefore finds this allegation proved.

2. You sent via social media an image of your penis to Witness D on one or more occasions;

Witness D states that on one occasion when Mr Fielding was away with cadets, he sent her a message to ask if she wanted to see a picture of his penis, which she ignored. He then sent her another message, followed by a photograph of his penis. She received two further messages from him regarding this, one of which asked her whether she had liked the picture. She did not respond to the messages and showed Witness E the photograph. Witness D then said that on another occasion before work, Mr Fielding sent her another photograph of his penis.

Witness E said that Witness D had showed him one picture of Mr Fielding's penis on her mobile phone.

Mr Fielding admits that he sent one photograph of his penis to Witness D.

The panel therefore finds this allegation proved.

4. You asked Witness D via social media to send you a picture of her breasts;

Witness D stated that in some of the messages that she received from Mr Fielding referred to in allegation 1.d. above, Mr Fielding asked her to send him pictures of her breasts on a number of occasions. She said that at one point she replied by sending him a photograph of her top whilst she was wearing her jumper and lanyard, in an attempt to stop the requests.

Mr Fielding admits this allegation and it is therefore found proved.

8. Your actions set out above were sexually motivated.

The panel is of the view that on the balance of probabilities, a reasonable person would consider the actions found proven to have been sexually motivated, with the purpose of obtaining sexual gratification. Furthermore, the panel considers that it is more likely than not that the purpose of Mr Fielding's actions was sexual. In this regard, it is relevant that a number of the sexually inappropriate messages were sent at night and on weekends, and when Mr Fielding appeared to be alone. The panel also notes that in relation to the parts of the allegations that Mr Fielding admits, he admits that his actions were sexually motivated. The panel therefore concludes that the actions above were sexually motivated.

The NCTL withdrew the following allegation, as during oral witness evidence, it became apparent that there was no evidence to support it. For the avoidance of doubt, it is therefore not proved.

1. You sent inappropriate and/or sexualised messages via social media to the following junior staff members:

c. Witness C,

The panel has found the following particulars of the allegations against you not proven, for these reasons:

1. You sent inappropriate and/or sexualised messages via social media to the following junior staff members:

e. Witness F,

Witness F stated that she received sexually inappropriate messages from Mr Fielding via Facebook Messenger during the period in question. However, she was unable to describe their content in any detail and stated that she could not remember it.

The panel notes that Mr Fielding denies this allegation.

Witness F explained that there are some factual errors in her witness statement and the panel is conscious that her witness statement remains unsigned. Witness F said that this is because she did not 'get around' to checking the content of the statement and signing

it, and the panel considers that this adversely impacts the evidential weight that can be placed upon the statement. The panel also notes that there are inconsistencies between Witness F's statement, her oral evidence, and the accounts that she provided to Witness I during the school's internal investigation. In particular, Witness F initially told Witness I that she had not received any inappropriate messages from Mr Fielding, but then returned to Witness I approximately a week later to state that she had received such messages.

As a result of the fact that Witness F was unable to provide detail regarding the content of the allegedly inappropriate messages that she received from Mr Fielding, and the inconsistencies in her evidence described above, the panel does not consider that her evidence is sufficiently credible to support the allegation on the balance of probabilities. There are also no other witnesses to support this allegation, and therefore the panel finds that it is not proved.

3. You sent a voice clip via social media to Witness D of you masturbating.

Witness D states that on one occasion during the period in which she was receiving the sexually inappropriate messages from Mr Fielding, she woke up during the early hours of the morning, looked at her mobile telephone and saw that she had received a voice message from Mr Fielding. She said that she listened to the message for approximately two seconds and that it sounded like heavy breathing, which she assumed to be Mr Fielding masturbating. She told Witness E this at the time and then deleted the message.

Witness E confirmed that Witness D told him about this at the time and that he refused to listen to it.

The panel notes that Mr Fielding denies this allegation.

The panel notes that Witness D states that she only listened to the sound file for approximately two seconds, which is a very short period of time. Under cross-examination, Witness D also accepted that the sound may not have been of Mr Fielding masturbating, as this was only her immediate assumption. Furthermore, the panel is conscious of the fact that Witness D had only just woken up from sleep in the middle of the night when she listened to the message. The panel therefore concludes that there is insufficient evidence to support this allegation.

5. You sent via social media an image of your penis to Witness F;

The panel notes that Mr Fielding denies this allegation.

Witness F stated that Mr Fielding sent her a photograph of his penis. However, as a result of the issues regarding the credibility and consistency of Witness F's evidence (explained above), and the fact that no other witness has been presented to corroborate this allegation, the panel is not satisfied on the balance of probabilities that the allegation is proved.

6. You asked Witness F via social media to send you a picture of her breasts on one or more occasions;

The panel notes that Mr Fielding denies this allegation.

Witness F stated that Mr Fielding requested that she send him pictures of her breasts on two to three occasions. As a result of the issues regarding the credibility and consistency of Witness F's evidence (explained above), and the fact that no other witness has been presented to corroborate this allegation, the panel is not satisfied on the balance of probabilities that the allegation is proved.

7. At the school's Christmas party you;

a. touched the breast and/or bottom of Witness G,

The panel notes that Mr Fielding denies this allegation.

Witness G stated that at the school's 2015 Christmas party, whilst she and her colleagues were socialising at a bar at approximately 12:30 am to 1.00 am, Mr Fielding touched her bottom. In her oral evidence she described this as a 'grope' and said that he firmly squeezed her bottom twice. She says that in response, she felt uncomfortable and so she removed herself from the situation. No evidence has been presented that Mr Fielding touched Witness G on her breast, in Witness G's initial statement or in oral evidence. Witness G also stated that she and her colleagues had been drinking alcohol during the evening.

Witness H stated that he witnessed Mr Fielding touch the bottom of Witness G at the party. He said that he saw Mr Fielding put his hand on Witness G's back and then move it down to Witness G's bottom. He said that this happened very quickly and that when he saw it, he walked over to Witness G and Mr Fielding to diffuse the situation by putting 'some space' in between them.

However, the panel does not find that the evidence presented in respect of this allegation is sufficient to meet the threshold of proving it on the balance of probabilities. In relation to the evidence from Witness G, during her oral account of the events that evening, she described one occasion on which Mr Fielding touched her on the bottom. However, her statement refers to multiple occasions upon which this happened. Her statement also describes the action as merely 'touching', whilst during her oral evidence she described it as a 'firm grope'. In relation to Witness H's evidence, the panel noted that although he corroborated Witness G's statement that Mr Fielding touched her bottom, other parts of his evidence are inconsistent with Witness G's evidence. He described a short brush with a flat hand whereas, she described a 'firm grope'. The panel also found other parts of his evidence to be inconsistent with that of other witnesses regarding the process by which the allegations were reported. Consequently, the panel considers that this adversely affects the weight that can reasonably be placed upon his evidence. Furthermore, the panel is conscious of the fact that all witnesses who gave evidence regarding the party stated that the majority of staff (including Witness G and Witness H) had been drinking

large amounts of alcohol from when the party started approximately five hours before the alleged incident.

b. touched the bare chest and/or stroked the leg of Witness F;

The panel notes that Mr Fielding denies this allegation.

Witness F stated that during the party, she and her colleagues were in a bar when Mr Fielding stroked her leg and tried to put his fingers through a cut-out in the dress that she was wearing. The panel found that the information provided by Witness F under cross-examination was vague and non-specific. The panel also noted that Witness F stated that she had drunk at least nine shots of Jack Daniels whisky that evening. She described the cut-out in her dress as around her midriff rather than on her chest and in any event, Mr Fielding did not touch her skin. As a result of these factors, the issues regarding the credibility and consistency of Witness F's evidence (explained above), and the fact that no other witness has been presented to corroborate this allegation, the panel is not satisfied on the balance of probabilities that the allegation is proved.

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

Having found a number of the allegations 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 Mr Fielding in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Fielding 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:
 - ... at all times observing proper boundaries appropriate to a teacher's professional position.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel is satisfied that the conduct of Mr Fielding fell significantly short of the standards expected of the profession. However, the panel notes that no evidence has been presented to suggest that Mr Fielding's conduct harmed any pupils, or that it had the potential to do so.

The panel has also considered whether Mr Fielding's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant. In particular, although the panel considers

that Mr Fielding's behaviour was totally inappropriate, it does not consider that the behaviour was that which would be associated with a relevant offence pursuant to Section 5.ii. of the Advice. The panel finds that the evidence presented to it regarding the inappropriate messages suggests that there was an element of reciprocal flirting from some of the members of staff to whom they were sent.

The panel does not consider that the conduct took place outside of the education setting. This is because although the conduct did not take place on school premises, it was directed towards Mr Fielding's colleagues at the school who were more junior than him in the school's hierarchy. Mr Fielding's contact with those members of staff via Facebook Messenger resulted from his working relationship with them at the school. There is limited evidence to suggest that his conduct adversely affected how those people felt about working at the school and their professional relationship with Mr Fielding but nonetheless, there was clearly the potential for this to happen.

As a result of the factors above, the panel is satisfied that Mr Fielding is guilty of unacceptable professional conduct.

The panel has taken 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 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 upon Mr Fielding's status as a teacher, potentially damaging the public perception of the profession.

The panel therefore finds that Mr Fielding's actions constitute conduct that may bring the profession into disrepute.

The panel also notes that Mr Fielding admits that the allegations found proved amounted to unprofessional conduct and conduct that could bring the profession into disrepute.

In summary, having found the facts of particulars 1.a., 1.b., 1.d., 2, 4 and 8 proved, the panel finds that Mr Fielding's conduct amounts 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 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 a number of them to be relevant in this case, namely the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Fielding, which involved sending sexually inappropriate messages to junior colleagues, there is a strong public interest consideration in conveying the message that this is unacceptable behaviour for a professional such as Mr Fielding, particularly given his senior position in the school. However, the panel also considers that in this case, there is a strong public interest in retaining the teacher in the profession. This is because no doubt has been cast upon his abilities as an educator and in fact, all of the witnesses who gave oral evidence attested to his excellent skills when working with children and outstanding abilities as a teacher. It therefore appears that Mr Fielding has made and still is able to make a valuable contribution to the profession. As mentioned above, the misconduct in this case had no impact upon children or the propensity to do so, and therefore Mr Fielding poses no risk to pupils.

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 upon Mr Fielding.

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 Mr Fielding. 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. 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;
- Sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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. Mr Fielding has a previously good record (there is no history of

any previous findings of misconduct). As explained above, all nine of the witnesses who gave evidence on behalf of the NCTL during the hearing attested to his excellent abilities as a teacher. This was in addition to Mr Fielding's current line manager at his new school (where Mr Fielding is employed as a headteacher).

The panel also noted that Mr Fielding had admitted all of the allegations that it had found proven and considered that under cross-examination, he demonstrated a great deal of insight into the fact that his behaviour was wrong and genuine remorse for that behaviour and its effect on his former colleagues. As mentioned above, the panel also noted that there was evidence to suggest that some of the inappropriate messages had been responded to by reciprocal flirting. Mr Fielding said that at the time of the events that gave rise to the allegations, he had been suffering from stress and dealing with a number of personal difficulties. Mr Fielding said that he has now received counselling to enable him to deal with such stress in the future and therefore to prevent the same behaviour from recurring in the future. He also said that he has learned from what has happened to the extent that at his new school, he avoids socialising with staff outside of the school environment and on social media.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order is a proportionate and appropriate response. Given that the nature and severity of the behaviour is at the less serious end of the possible spectrum and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case. The panel considers that the publication of the adverse findings that it has made is sufficient to send an appropriate message to Mr Fielding as to the standards of behaviour that are not acceptable, and that this meets the public interest requirement of declaring proper standards of the profession. The panel also considers that given Mr Fielding's genuine insight and remorse and the changes that he has already made to his behaviour at his new school, the imposition of a prohibition order would serve no further purpose. In any event, it would deprive Mr Fielding's current pupils of the strong skills that he is able to bring to the profession, as evidenced by the recent Ofsted report about his current school, in which his leadership is specifically praised. Therefore upon having considered all of the evidence before it, the panel does not consider that imposition of a prohibition order would be necessary, appropriate, proportionate or in the public interest.

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 sanction.

In making this decision I have taken careful account of the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has not found all of the allegations to be proven. In addition, one allegation was dropped. In taking my decision I have put from my mind all of those allegations that were either not taken forward or were found not proven.

The panel has nonetheless found a number of the allegations proven in this case. I have also noted that those allegations that were admitted by Mr Fielding – other than allegation 8 that was a partial admission.

The panel has found that by reference to Part Two, Mr Fielding 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:
 - ... at all times observing proper boundaries appropriate to a teacher's professional position.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel has set out how it is satisfied that the conduct of Mr Fielding fell significantly short of the standards expected of the profession. However, the panel notes that no evidence has been presented to suggest that Mr Fielding's conduct harmed any pupils, or that it had the potential to do so.

The panel has gone on to find that of those matters proved, they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has taken 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 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 upon Mr Fielding's status as a teacher, potentially damaging the public perception of the profession.

Having made those findings the panel has gone on to consider the matter of sanction and has made its recommendation to me.

I have weighed carefully the matters that fall within the public interest and those matters which are in the interests of the teacher. I have recognised that a prohibition order should not be given to be punitive, although its effect may be punitive.

I have also taken into account the fact that of itself a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute is a serious matter. The finding is published on the government's website and signals both to the teacher and to the wider public that the behaviours that have been found proven are serious.

There is a public interest in teachers who have shown appropriate insight and remorse, and where the behaviour is, despite being serious, not at the most serious end of the spectrum, in remaining in the profession. This will not always be the case and is a matter of weighing the public interest and the individual teacher's interests with considerable care.

In this case the panel has recommended that there should be no prohibition.

I have considered the need to be proportionate and to act in the public interest. I have noted the panel's comments on mitigation. The panel has said that it "considers that given Mr Fielding's genuine insight and remorse and the changes that he has already made to his behaviour at his new school, the imposition of a prohibition order would serve no further purpose. In any event, it would deprive Mr Fielding's current pupils of the strong skills that he is able to bring to the profession, as evidenced by the recent Ofsted report about his current school, in which his leadership is specifically praised."

For these reasons, I have decided that a prohibition order is not in the public interest and that the publication of a decision in which Mr Fielding has been found guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute is proportionate and in the public interest.



Decision maker: Alan Meyrick

Date: 17 March 2017

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