



Teaching
Regulation
Agency

Mr Alex Parkes: Professional conduct panel outcome

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

January 2020

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

Teacher:	Mr Alex Parkes
Teacher ref number:	0535774
Teacher date of birth:	26 October 1973
TRA reference:	18067
Date of determination:	24 January 2020
Former employer:	Springwell Leeds Academy (“the School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 January 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Alex Parkes.

The panel members were Mr Mike Carter (former teacher panellist – in the chair), Ms Gail Goodman (teacher panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson solicitors.

Mr Parkes was present and was represented by Ms Diane Ellis of NASUWT.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the Notice of Proceedings dated 28 November 2019.

It was alleged that Mr Parkes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Springwell Leeds Academy:

1. On or around 6 November 2018 he engaged in inappropriate physical contact with Pupil A by pushing him with force, which caused him to fall to the floor.

Mr Parkes admitted the allegation and that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel was presented with a Statement of Agreed Facts signed by Mr Parkes on 22 October 2019.

Preliminary applications

There were no preliminary applications.

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 – pages 2 to 3

Section 2: Notice of proceedings and response – pages 5 to 12

Section 3: Teaching Regulation Agency documents – pages 14 to 100

Section 5: Teacher documents – pages 102 to 119

In addition, the panel added signed copies of Mr Parkes' witness statement and a supporting statement from Individual A to the bundle as new section 6, at pages 120 to 128.

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

Witnesses

Given Mr Parkes' admissions, no witnesses were called to give evidence on behalf of the TRA. Mr Parkes gave evidence in mitigation at the final stage of the hearing.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Parkes commenced employment as a classroom teacher at the School on 1 September 2016. The School is described as a social emotional and mental health (SEMH) special school.

On 6 November 2018, Mr Parkes was involved in an incident at the School involving Pupil A, whereby it was alleged that Mr Parkes pushed the pupil, causing him to fall to the floor.

Mr Parkes was immediately suspended from duty and an investigation commenced. A notification was also made to the Local Authority Designated Officer at Leeds City Council.

On 13 December 2018, a disciplinary hearing was held and Mr Parkes was dismissed. He was subsequently referred to the TRA.

The panel confirms that it has not taken account of any findings made, or opinions expressed, during the School's investigation and disciplinary process. It formed its own, independent view of the allegations based on the evidence presented to it.

Findings of fact

The findings of fact are as follows:

On or around 6 November 2018 you engaged in inappropriate physical contact with Pupil A by pushing him with force, which caused him to fall to the floor

Mr Parkes admitted the facts of this allegation and the panel was presented with a Statement of Agreed Facts.

It was accepted that, on 6 November 2018, Pupil A was in a corridor at the School and had become disruptive. He was refusing to attend a lesson where he was expected. Mr Parkes attempted to return Pupil A to that lesson and did so by using physical contact.

Mr Parkes admitted that he pushed Pupil A with force and that this caused Pupil A to fall to the floor. Pupil A was not injured as a result of the incident.

Mr Parkes further admitted that, by so acting, he engaged in inappropriate physical contact with Pupil A.

The panel viewed CCTV footage of the incident, various accounts of which were also included in the hearing papers.

There was, accordingly, no dispute as to the fact that physical contact took place in the manner alleged. That contact involved Mr Parkes pushing Pupil A with force. The CCTV footage of the incident was extremely clear.

Mr Parkes' conduct was also, plainly, inappropriate having regard to the nature of his actions, the degree of force used and the impact upon Pupil A. Pupil A immediately reacted to what happened and was clearly upset. It was accepted that Pupil A was not evidencing crisis behaviour in the period immediately prior to the incident. Mr Parkes' behaviour was also contrary to the School's policy and was not in accordance with specific 'Team Teach' training that Mr Parkes had received.

In light of this evidence and Mr Parkes' admission, the panel found the allegation proved.

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

Having found the allegation against Mr Parkes proved, the panel went on to consider whether the facts of that allegation 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 Parkes, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Parkes 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

- showing tolerance of and respect for the rights of others
- 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 also considered whether Mr Parkes' conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that none of these offences were relevant.

The panel was satisfied that the conduct of Mr Parkes amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, which he admitted.

The degree of force used by Mr Parkes was not insignificant and caused Pupil A to fall to the floor. Whilst no harm did come to the child, Mr Parkes' actions could have caused physical injury. There was no crisis behaviour on the part of Pupil A that may have necessitated the use of reasonable force. In any event, the panel concluded that the force used by Mr Parkes was not reasonable.

The panel also took account of the evidence of Pupil A's specific circumstances and behavioural needs. It was clear from the CCTV footage shown to the panel that Pupil A immediately reacted to Mr Parkes' actions and was emotional and upset. There was also reference, within the papers, to Pupil A's negative behaviour at home subsequent to this incident.

The panel noted that Mr Parkes' actions were contrary to the School's policies and training he had received. As noted above, Mr Parkes had received 'Team Teach' training, most recently in September 2018, which is training that provides teachers with "*skills to help them defuse situations before behaviour becomes challenging and how to de-escalate incidents should they arise.*"

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

In relation to whether Mr Parkes' conduct may bring the profession into disrepute, 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 that they behave.

Having done so, the panel found that Mr Parkes' actions constituted conduct that may bring the profession into disrepute, which he also admitted.

Having found the facts of the allegation proved, the panel further found that Mr Parkes' 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 it 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 maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Parkes, namely that he had pushed a pupil with force in an inappropriate manner, there was a strong public interest consideration in respect of the protection of pupils.

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

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

The panel did not consider that there was a particularly strong public interest consideration in retaining Mr Parkes in the profession. There was no evidence that Mr Parkes had made what could be termed as an exceptional contribution to the profession. However, no doubt had been cast upon his abilities as an educator. There were positive

accounts of his classroom practice within the papers. The panel did, therefore, consider it was possible that he would be able to make a valuable contribution to the profession in the future. Whilst Mr Parkes had not worked in education in the time since his dismissal, he wished to do so and confirmed that he had recently accepted a position as a teaching assistant at a mainstream school.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Parkes.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Parkes. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

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.

The panel considered there were a number of mitigating factors present in this case, including:

- Mr Parkes had fully participated in these proceedings. He admitted the allegations at an early stage and he attended the hearing to present evidence in mitigation. Mr Parkes fully accepted that his behaviour was inappropriate and should not have happened.
- The panel was presented with a number of references and testimonials attesting to Mr Parkes good character and prior practice. There was no suggestion that Mr Parkes had acted inappropriately in relation to restraints on any other pupil. Mr Parkes stated that there had been numerous incidents at the School when he had been subject to negative behaviour from pupils and had always responded appropriately. In those circumstances, the panel was satisfied that this was a one-off incident and was out of character. Whilst there were references to prior disciplinary issues, these did not form part of the allegations in this case and were

of a different nature to the conduct found proved. That said, it was only right to note that Mr Parkes did not have a completely unblemished work record. However, there were no previous regulatory proceedings recorded against him.

- Mr Parkes had shown clear regret and remorse for his actions. He was very candid in his evidence. He stated:

"I feel ashamed and embarrassed by the incident. I feel [!] have let everybody down; the student himself and his parents, the other students in my former class and their parents, my former colleagues at school, my loved ones and myself."

- It was clear that there were unique challenges and pressures presented by working at the School. This was Mr Parkes' first experience of working in such an environment. Mr Parkes' position was that he would not look to work in such an environment/model in the future and alluded to the impact his experiences at the School had upon him.
- There was some evidence of Mr Parkes' personal circumstances, at the time, impacting on his actions. [Redacted]. It was clear that Mr Parkes had since taken time to reflect, to address his behaviours and the personal circumstances/issues he faced at that time and to seek appropriate support. Mr Parkes provided an account of the lessons he had learnt and what he would do differently if he were to return to teaching. Mr Parkes readily accepted that he could and should have sought support at the time and would do so, if and when necessary, in the future. He showed clear insight.

Weighed against this, the panel considered that there were a number of aggravating features present in this case. In particular:

- Mr Parkes was a very experienced practitioner who had received specific 'Team Teach' training. At the outset of the incident, as seen on the CCTV footage, it appeared that Mr Parkes was attempting to follow proper procedure. However, what followed was a stark departure from proper procedure and there was no justification for the use of such force.
- His behaviour concerned a pupil who could have been physically harmed as a result of Mr Parkes' actions, which were deliberate. He was not acting under duress. However, the panel did accept that Mr Parkes was not intending to hurt the pupil.
- It was clear that the incident impacted on Pupil A, who had specific behavioural issues. Pupil A was visibly upset by what had happened.
- The panel had found that Mr Parkes' conduct amounted to a serious departure from the personal and professional conduct elements of the Teachers' Standards.

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. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Parkes of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate and decided that the public interest considerations outweighed the interests of Mr Parkes.

The panel took careful account of the mitigating factors identified above in arriving at that decision.

It did consider, given the insight shown by Mr Parkes, that the risk of repetition was low. However, the panel concluded that the conduct was too serious to recommend that the publication of adverse findings would be sufficient. The precise nature of the incident and the clear impact upon Pupil A were significant factors in forming that opinion. Whilst Pupil A was not injured, Pupil A certainly could have been and the CCTV footage of the incident was stark and concerning. The panel had concluded that several behaviours found proved in this case indicated that a prohibition order would be appropriate. In particular, the panel felt that public confidence in the profession could be weakened if conduct of this nature was not treated with the utmost seriousness. 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 for it to decide to recommend a review period of the order. 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. However, the panel did not consider that any of these behaviours were present in this case. Whilst the panel took into account that the nature of Mr Parkes' actions involved inappropriate physical contact with a pupil, it did not consider that the act could properly and reasonably be described as a violent incident.

In light of the clear insight, regret and remorse shown by Mr Parkes and the panel's view that the risk of repetition was low, it decided that the findings indicated a situation in which a review period would be appropriate. As such, it decided that it would be

proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

Mr Parkes had already been punished for his actions. He clearly demonstrated that he understood he had let himself and the profession down. There was evidence of a passion for teaching and the panel considered that he could, ultimately, be an asset to any school he may eventually work in.

For these reasons, the panel concluded that a review period of 2 years was proportionate.

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 Parkes should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Parkes 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
 - showing tolerance of and respect for the rights of others
- 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.

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 Parkes, 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, "The degree of force used by Mr Parkes was not insignificant and caused Pupil A to fall to the floor. Whilst no harm did come to the child, Mr Parkes' actions could have caused physical injury. There was no crisis behaviour on the part of Pupil A that may have necessitated the use of reasonable force. In any event, the panel concluded that the force used by Mr Parkes was not reasonable."

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 light of the clear insight, regret and remorse shown by Mr Parkes and the panel's view that the risk of repetition was low, it decided that the findings indicated a situation in which a review period would be appropriate."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, "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 that they behave."

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 Parkes himself. The panel comment “The panel was presented with a number of references and testimonials attesting to Mr Parkes good character and prior practice. There was no suggestion that Mr Parkes had acted inappropriately in relation to restraints on any other pupil. Mr Parkes stated that there had been numerous incidents at the School when he had been subject to negative behaviour from pupils and had always responded appropriately. In those circumstances, the panel was satisfied that this was a one-off incident and was out of character.”

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

In this case, I have placed considerable weight on the panel’s comments, “the conduct was too serious to recommend that the publication of adverse findings would be sufficient. The precise nature of the incident and the clear impact upon Pupil A were significant factors in forming that opinion. Whilst Pupil A was not injured, Pupil A certainly could have been and the CCTV footage of the incident was stark and concerning. The panel had concluded that several behaviours found proved in this case indicated that a prohibition order would be appropriate. In particular, the panel felt that public confidence in the profession could be weakened if conduct of this nature was not treated with the utmost seriousness.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Parkes 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.

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 a 2-year review period.

I have considered the panel’s comments “Mr Parkes had already been punished for his actions. He clearly demonstrated that he understood he had let himself and the profession down. There was evidence of a passion for teaching and the panel considered that he could, ultimately, be an asset to any school he may eventually work in.

For these reasons, the panel concluded that a review period of 2 years was proportionate.”

I have considered whether a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I consider therefore that a 2-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Alex Parkes is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 30 January 2022, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Alex Parkes remains prohibited from teaching indefinitely.

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

Mr Alex Parkes 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 blue ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 30 January 2020

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