



Teaching  
Regulation  
Agency

# **Mr James Parkhouse: Professional conduct panel outcome**

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

**February 2020**

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

**Teacher:** Mr James Parkhouse  
**Teacher ref number:** 1684804  
**Teacher date of birth:** 25 April 1993  
**TRA reference:** 17808  
**Date of determination:** 6 February 2020  
**Former employer:** Bohunt School, Worthing

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 4 February 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr James Parkhouse.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Ann Walker (former teacher panellist) and Mr Steve Oliver (teacher panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Luke Berry of Browne Jacobson LLP solicitors.

Mr Parkhouse was present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 6 December 2019, as amended pursuant to an application from the presenting officer.

It was alleged Mr James Parkhouse was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Teacher of Mathematics at Bohunt School (the "School"):

1. He engaged in and/or developed an inappropriate relationship with Pupil A and/or failed to maintain appropriate professional boundaries with Pupil A including by:
  - (a) in or around August 2018, contacting Pupil A via a personal Instagram account;
  - (b) communicating with Pupil A via a personal Instagram account on one or more occasions;
  - (c) sending messages to Pupil A via a personal Instagram account that were intimate and/or personal in nature on one or more occasions;
  - (d) in or around September 2018:
    - (i) buying cigarettes for Pupil A;
    - (ii) meeting with Pupil A at the beach to provide her the cigarettes; and
    - (iii) providing Pupil A with cigarettes.
2. He engaged in inappropriate physical contact with one or more pupils, including by:
  - (a) on one more occasions, touching Pupil A and/or Pupil B on the lower back;
  - (b) on one or more occasions, stroking and/or touching Pupil A and/or Pupil B's hand.
3. He behaved, as may be found proven at 1(a) and/or (b) and/or (c) and/or (d) above, despite previous advice and/or training and/or warnings in relation to professional boundaries in or around February 2018 and/or April 2018.

Mr Parkhouse admitted the facts of allegations 1 and 3 but denied allegation 2. Mr Parkhouse admitted that his behaviour at allegations 1 and 3 amounted to unacceptable professional conduct/and or conduct that may bring the profession into disrepute.

## Preliminary applications

An application was made by the presenting officer to amend the allegations set out in the Notice of Proceedings dated 6 December 2019 by:

1. deleting allegation 1(e) in its entirety;

2. amending allegation 1(d) to read:

“in September 2018:

- (i) buying cigarettes for Pupil A;
- (ii) meeting with Pupil A at the beach to provide her the cigarettes; and
- (iii) providing Pupil A with cigarettes.

3. amending allegation 3 to read:

“You behaved, as may be found proven at 1(a) and/or (b) and/or (c) and/or (d) above, despite previous advice and/or trainings and/or warnings in relation to professional boundaries in or around February 2018 and/or April 2018.

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The teacher has consented to the application.

The panel considered that the amendment proposed being a correction of the dates as set out does not change the nature, scope or seriousness of the allegations. There is no prospect of the teacher’s case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. Mr Parkhouse submitted that the amendments more accurately reflected the nature of the incidents concerned. The panel therefore decided to amend the allegations as proposed.

The panel also considered an application from the presenting officer regarding child witnesses.

The panel directed that Pupils A and B were to be treated as child witnesses since the panel is satisfied that they will both be under the age of 18 at the start of the hearing. The witnesses will, therefore, be known in these proceedings as Pupil A and Pupil B.

The panel has considered paragraph 4.71 of the Procedures, and has noted that there is no medical evidence that the welfare of Pupil A or Pupil B will be prejudiced by giving evidence and the panel is content for both pupils to give evidence.

If Pupil A and Pupil B give evidence, the panel will consider adopting such measures as it considers necessary to safeguard the interests of those pupils as a child witnesses.

The panel has carefully considered whether Pupils A and B should be permitted to give evidence via video link if they so desire. The panel has considered its obligation to ensure that the teacher is not put at an unfair disadvantage, balanced against its duty in the public interest to investigate the allegations in so far as it is possible to do so

consistent with fairness to Mr Parkhouse. The panel has taken into account that there may be subtleties of tone or body language that may be lost via the medium of video link, but is satisfied that such factors could be taken into account by the panel when assessing the weight it attributes to such evidence. The panel is satisfied that its duty to investigate the allegations is such that it directed that Pupils A and B may give evidence by video link, if they so wish.

The panel also directed, in accordance with paragraph 4.72 of the Procedures, that should Pupil A and Pupil B give evidence, Mr Parkhouse would not be allowed to examine or cross-examine the pupils directly and that they will be undertaken by such means, or by such person, as the panel may consider appropriate.

## **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 1 to 2

Section 2: Notice of Referral and Notice of Proceedings – pages 3 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 32

Section 4: Teaching Regulation Agency documents – pages 33 to 131

Section 5: Teacher documents – blank

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel members also confirmed they had read the papers relating to the application regarding child witnesses, which were provided to the panel at the commencement of the hearing.

### **Witnesses**

The panel heard oral evidence from:

- Witness A, [REDACTED]
- Pupil A, pupil of the School; and
- Pupil B, pupil of the School.

All witnesses were called by the presenting officer.

Mr Parkhouse also gave evidence.

## 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 Parkhouse had been employed at the School as a newly qualified teacher of mathematics since 1 September 2017.

On 1 October 2018, Pupil A and Pupil B reported concerns about Mr Parkhouse. Pupil A stated that she and Mr Parkhouse had messaged each other on Instagram and had met up out of school, and that Mr Parkhouse had touched her lower back in a classroom. Pupil B claimed that Mr Parkhouse had touched her back at an open evening and had touched her hand in a classroom setting. It was alleged that Mr Parkhouse had been contacting Pupil A using Instagram between approximately August and September 2018. On 1 October 2018, Mr Parkhouse was suspended pending an investigation.

The School conducted an internal disciplinary investigation, and on 15 October 2018 Mr Parkhouse attended an investigation meeting.

Following the conclusion of the School's disciplinary investigation, Mr Parkhouse attended a disciplinary hearing on 30 October 2018, after which he was summarily dismissed without notice.

## Findings of fact

The findings of fact are as follows:

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

- 1. You engaged in and/or developed an inappropriate relationship with Pupil A and/or failed to maintain appropriate professional boundaries with Pupil A including by:**
  - a. in or around August 2018, contacting Pupil A via a personal Instagram account;**
  - b. communicating with Pupil A via a personal Instagram account on one or more occasions;**
  - c. sending messages to Pupil A via a personal Instagram account that were intimate and/or personal in nature on one or more occasions;**
  - d. in or around September 2018:**
    - i. buying cigarettes for Pupil A;**

**ii. meeting with Pupil A at the beach to provide her the cigarettes;  
and**

**iii. providing Pupil A with cigarettes**

The panel considered all the evidence before it. The panel noted that Mr Parkhouse had admitted to the facts of the allegations at the outset of the School's investigation into these events and had continued to admit these allegations throughout these proceedings. The panel saw screenshots of some of the messages sent by Mr Parkhouse and heard Pupil A's accounts of these events, which supported Mr Parkhouse's admissions.

The panel considered the nature of the messages sent by Mr Parkhouse to Pupil A. These included comments about Mr Parkhouse liking Pupil A and caring about her. He made reference to him being under the influence of alcohol whilst messaging. On one occasion, he referred to a conversation from the classroom about the colour of Pupil A's underwear, which Mr Parkhouse claimed Pupil A had initiated. On another occasion, Mr Parkhouse had asked Pupil A not to tell anyone about the communication. The panel found these messages to be inappropriate, over-familiar and personal in nature.

In summary, Mr Parkhouse's admissions to these allegations was supported by other evidence presented to the panel. The allegations were therefore found proved.

**3. You behaved, as may be found proven at 1(a) and/or (b) and/or (c) and/or (d) above, despite previous advice and/or training and/or warnings in relation to professional boundaries in or around February 2018 and/or April 2018.**

The panel considered Mr Parkhouse's admission to this allegation at the outset of proceedings, which he confirmed during the course of his evidence, having been given opportunity to reflect on the substance of the allegation.

The panel heard evidence from Witness A which confirmed that Mr Parkhouse had been provided with guidance on maintaining professional boundaries prior to the events set out in allegation 1.

The panel also had regard to the message sent by Mr Parkhouse to Pupil A in which he acknowledged at that point that what he was doing was not right.

In summary, the allegation was admitted by Mr Parkhouse and supported by evidence presented to panel. The allegation was therefore found proved.

The panel found the following particulars of the allegation against you not proved, for these reasons:

**2. You engaged in inappropriate physical contact with one or more pupils, including by:**



- a. **on one more occasions, touching Pupil A and/or Pupil B on the lower back;**
- b. **on one or more occasions, stroking and/or touching Pupil A and/or Pupil B's hand.**

The panel heard evidence from Pupil A and Pupil B that Mr Parkhouse had touched them both on the lower back on separate occasions, and from Pupil B that Mr Parkhouse had touched her hand on multiple occasions. Neither Pupils A nor B considered such physical contact on the part of Mr Parkhouse to have been inappropriate at the time, but in hindsight and with knowledge of other events, the contact made them feel uncomfortable. Neither pupil recalled specific details of the contact but agreed that the contact was not prolonged.

The panel heard Mr Parkhouse's account and considered Witness A's evidence regarding the extent to which the School had investigated this particular allegation. In his evidence, Mr Parkhouse stated he could not recall touching either pupil as alleged, but he could not deny such contact might have occurred during the course of his teaching duties. In the act of handing objects such as board pens to Pupil B, he may well have caused their hands to touch briefly. Mr Parkhouse asserted this would be ordinary human contact devoid of any inappropriate intent. Mr Parkhouse considered the touching of the pupils' lower backs much less likely, but stated that if it had occurred, it would also be contact devoid of any inappropriate intent.

The panel heard no evidence concerning the stroking of any pupil's hand.

The presenting officer confirmed that the TRA did not submit the touching to have been sexually motivated.

Whilst the panel considered some of the alleged physical contact between Mr Parkhouse and Pupils A and B was likely to have taken place, it nevertheless concluded, on the balance of probabilities, that the nature and frequency of any such touching would not be inappropriate in these circumstances. The panel therefore found this allegation not proved.

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

Having found two of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Parkhouse in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Parkhouse 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; and
  - 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, and maintain high standards in their own attendance and punctuality.

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

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.

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

Having found the facts of particulars 1 and 3 proved, the panel further found that Mr Parkhouse's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition

orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of pupils; the 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 Parkhouse, which involved an inappropriate relationship with a pupil, 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 Parkhouse was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was 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 Parkhouse was outside that which could reasonably be tolerated.

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon Mr Parkhouse's abilities as an educator or that he is able to make a valuable contribution to the profession.

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 this would have on Mr Parkhouse.

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 Parkhouse. 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 well-being of pupils; and
- abuse of position or trust (particularly involving vulnerable pupils).

Whilst accepting that Mr Parkhouse's behaviour amounted to a serious departure from the standards expected of a teacher, looking at a wider spectrum of conduct which is capable of being described as serious, the panel found his behaviour to be at the lower end of that spectrum. The panel acknowledged that the pupils involved were left feeling uncomfortable as a result of his behaviour.

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 acknowledged that Mr Parkhouse was a teacher at the start of his career. Mr Parkhouse did have a previously good history, as acknowledged by the headteacher of the School.

Mr Parkhouse had, from the outset, not only cooperated with the proceedings, but displayed what the panel considered to be an honest and objective approach. The panel found Mr Parkhouse to have significant insight into the consequences of his behaviour, both on himself and on Pupils A and B. The panel also found Mr Parkhouse to be genuinely remorseful.

The panel concluded that Mr Parkhouse had learnt from the incidents that led to these proceedings.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession. The panel was of the view that Mr Parkhouse does not pose an ongoing risk to pupils or the public.

## **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 sanction.

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 agreed to amend the allegations. It has then found allegation 1 and 3 proven. As the panel did not find allegation 2 proven, I have put those matters entirely from my mind. I have only considered the allegations 1 and 3, as amended and as proven, in my consideration of this case.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Parkhouse 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; and
  - 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, and maintain high standards in their own attendance and punctuality.

In addition, the panel was "satisfied that the conduct of Mr Parkhouse amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

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 Parkhouse, 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 that it found behaviour, "which involved an inappropriate relationship with a pupil, there was a strong public interest consideration in respect of the protection of pupils."

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Parkhouse had, from the outset, not only cooperated with the proceedings, but displayed what the panel considered to be an honest and objective approach. The panel found Mr Parkhouse to have significant insight into the consequences of his behaviour, both on himself and on Pupils A and B. The panel also found Mr Parkhouse to be genuinely remorseful."

I have therefore given this element weight in reaching my overall decision.

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."

The panel went on to say that it found, "The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

The panel observe that the teacher had been given two warnings about his behaviour.

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 Parkhouse himself. The panel say, "Mr Parkhouse was a teacher at the start of his career. Mr Parkhouse did have a previously good history, as acknowledged by the headteacher of the School."

A prohibition order would prevent Mr Parkhouse 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 Mr Parkhouse engaged in behaviour, which was inappropriate. In addition he spoke with the pupil about intimate matters and also asked the pupil to, in effect, cover up the conversation. In summary the panel say of his comments, "These included comments about Mr Parkhouse liking Pupil A and caring about her. He made reference to him being under the influence of alcohol whilst messaging. On one occasion, he

referred to a conversation from the classroom about the colour of Pupil A's underwear, which Mr Parkhouse claimed Pupil A had initiated. On another occasion, Mr Parkhouse had asked Pupil A not to tell anyone about the communication. The panel found these messages to be inappropriate, over-familiar and personal in nature."

In this case I disagree with the recommendation of the panel. In my judgement the panel has given greater weight to the insight and remorse shown but has failed to give sufficient weight to the inappropriate, over-familiar and personal in nature messages. Mr Parkhouse also met the pupil away from school at the beach to give her cigarettes.

In my judgement, Mr Parkhouse's behaviour will have an adverse impact on the reputation of the profession if it is not dealt with through a prohibition order.

In this case, I have placed less weight on the panel's comments, "Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession. The panel was of the view that Mr Parkhouse does not pose an ongoing risk to pupils or the public."

In my view the behaviour is serious due to its intimate and personal nature, due to it coming after previous warnings and due to the fact that the teacher sought to get the pupil to cover the conversation up. For these reasons, I have concluded that a prohibition order is proportionate and in the public interest.

In this case the panel has not made a recommendation concerning a review period. In my view the minimum statutory review period of two years is necessary to ensure the public interest is protected. Mr Parkhouse has not made an exceptional contribution to the profession in his short career, but should be afforded the opportunity after two years to demonstrate that he can resume a career in teaching.

**This means that Mr James Parkhouse 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 18 February 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 James Parkhouse remains prohibited from teaching indefinitely.

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

Mr James Parkhouse has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', with a vertical line at the end.

**Decision maker: Alan Meyrick**

**Date: 18 February 2020**

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