



National College for  
Teaching & Leadership

# **Mr Richard Ariss: Professional conduct panel outcome**

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

**November 2016**

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

**Teacher:** Mr Richard Ariss

**Teacher ref number:** 1035400

**Teacher date of birth:** 8 July 1987

**NCTL case reference:** 14223

**Date of determination:** 21 November 2016

**Former employer:** Ivybridge Community College, Devon (the “school”)

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 November 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Richard Ariss.

The panel members were Mr Tony Heath (lay panellist – in the chair), Ms Gill Tomlinson (lay panellist) and Mr Anthony Bald (teacher panellist).

The legal adviser to the panel was Mrs Claire Bertram of Eversheds LLP.

The presenting officer for the National College was Ms Rachel Cooper of Nabarro LLP.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 19 September 2016.

It was alleged that Mr Richard Ariss was guilty of having been convicted of a relevant offence, in that:

- 1. On 12 February 2016 at Exeter Crown Court, he was upon his own confession, convicted on indictment of:**
  - one count of causing or inciting a child under 16 to engage in sexual activity – no penetration contrary to section 10 of the Sexual Offences Act 2003;**
  - two counts of causing or inciting a girl aged between 13 to 15 to engage in sexual activity, where the offender is over the age of 18, contrary to section 10 of the Sexual Offences Act 2003.**

In the agreed Statement of Agreed Facts dated 1 July 2016 (pages 12 – 14), Mr Richard Ariss admitted the facts of the allegations and that the conviction amounted to a relevant offence for the purpose of proceedings before the National College.

## C. Preliminary applications

Tony Heath and Gill Tomlinson noted that they had started to deal with this matter before but have not previously discussed or decided upon the merits of the case as a member of the initial panel declared a conflict resulting in the meeting being adjourned until today.

An application was made on paper by the presenting officer on behalf of the National College. The representations on behalf of the presenting officer were signed and dated 20 October 2016. The application was to amend the allegations as set out in the Notice of Meeting dated 19 September 2016 as a typographical error refers to Mr Ariss having been convicted of an offence under section 70 of the Sexual Offences Act 2003 (sexual penetration of a corpse), rather than section 10 (causing or inciting a child into sexual activity).

The panel noted that the Statement of Agreed Facts as signed by Mr Ariss (pages 12-14) and the Certificate of Conviction (page 20) both refer to the offence of causing or inciting a child to engage in sexual activity (and the Statement of Agreed Facts specifically refers to section 10 of the Sexual Offences Act).

On the basis of this evidence, the panel was satisfied that the reference to section 70 of the Sexual Offences Act was a typographical error and the allegations should be amended where necessary to refer to section 10 of the Sexual Offences Act. The panel

viewed this amendment to be in the interests of justice and did not perceive there to be any prejudice to Mr Ariss as a result. The allegations set out in Section B: Allegations above have been amended to take this decision into account.

The panel also considered at the outset whether the allegations should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Ariss had requested a meeting and the panel had the benefit of his representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be an additional cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

## **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 – pages 2 to 3

Section 2: Notice of Proceedings and response – pages 5 to 10b

Section 3: Statement of Agreed Facts and representations – pages 12 to 18

Section 4: NCTL documents – pages 20 to 84

Section 5: Teacher documents – pages 86 to 88

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

### **Witnesses**

The matter was convened as a meeting and no oral evidence was heard.

## E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Ariss qualified as a teacher in July 2010 and was employed as a mathematics teacher at the school from July 2010 to May 2014. On 1 June 2014 Mr Ariss began employment as a teacher of mathematics at Westlands School.

Between June 2014 and September 2014 Mr Ariss engaged in an inappropriate relationship with Pupil A.

On 12 February 2016, upon his own confession, Mr Ariss was convicted on indictment of one count of causing or inciting child under 16 to engage in sexual activity – no penetration; and two counts of causing or inciting a female child aged 13-15 to engage in sexual activity contrary to section 10 of the Sexual Offences Act 2003.

### Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proved, for these reasons:

- 1. On 12 February 2016 at Exeter Crown Court, you were upon your own confession, convicted on indictment of:**
  - one count of causing or inciting a child under 16 to engage in sexual activity – no penetration contrary to section 10 of the Sexual Offences Act 2003;**
  - two counts of causing or inciting a girl aged between 13 to 15 to engage in sexual activity, where the offender is over the age of 18, contrary to section 10 of the Sexual Offences Act 2003.**

Mr Ariss admits these allegations in the Statement of Agreed Facts dated 1 July 2016 (page 12-14).

The panel has seen the Certificate of Conviction dated 12 February 2016, which confirms that Mr Ariss was convicted of: (1) one count of causing or inciting a female child under 16 to engage in sexual activity – no penetration; and (2) two counts of causing or inciting a girl aged 13-15 to engage in sexual activity (page 20).

The panel has also seen the sentencing remarks from Mr Ariss' trial (pages 21-25).

On the balance of probabilities, the panel finds the allegation proved.

### **Findings as to conviction of a relevant offence**

The panel is satisfied that the conduct of Mr Ariss in relation to the facts it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Ariss 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Mr Ariss' actions were relevant to teaching, working with children and working in an education setting as they involved an inappropriate relationship with a vulnerable ex-pupil.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety of pupils.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Ariss' behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Mr Ariss' behaviour has ultimately led to him receiving a sentence of imprisonment which is indicative of the seriousness of the offences committed.

This is a case in respect of an offence involving sexual activity, which the document Teacher Misconduct: The Prohibition of Teachers "the Advice" states is likely to be considered a relevant offence.

The panel has taken into account the fact that Mr Ariss was of previous good character.

Although the panel finds the evidence of Mr Ariss' teaching proficiency to be of note, the panel has found the seriousness of the offending behaviour that led to the convictions are relevant to the teacher's ongoing suitability to teach. The panel also considers that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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

Given the panel's findings in respect of a conviction of a relevant offence, 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 protection of pupils, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Ariss, which involved causing or inciting a child to engage in sexual activity, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a child.

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

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

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

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 Ariss. 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:



- Serious departure from the personal and professional conduct elements of the Teachers' Standards;
- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- 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; and
- The commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be deliberate, calculated and premeditated.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Ariss. In reaching this opinion, the following points were significant factors:

- The panel noted, and agreed with the comments of the Judge at Mr Ariss' trial, that his actions were "planned and premeditated" and it was "a classic case of what is called 'grooming'" (pages 21-24);
- The panel also noted that the Judge at Mr Ariss' trial concluded that, had the relationship between Mr Ariss and Pupil A continued, there would have been sexual contact (pages 22-23);
- The panel also agree with the Judge at Mr Ariss' trial that there had been a significant breach of trust with regards to Pupil A. The panel also noted that this breach of trust is likely to have gone further and impacted upon the relationship and trust between Pupil A's parents and the schools at which Mr Ariss had taught;
- Mr Ariss had a blatant disregard for safeguarding policies that would have been in place at the schools in which he taught and which he would have been aware of;
- Pupil A was a vulnerable 14-year-old student (Mr Ariss was 28 at the time of the relationship). Even to the extent that Mr Ariss did not know this before he started tutoring her, this would have become clear to him very shortly thereafter. His actions took advantage of this vulnerability;

- The actions of Mr Ariss clearly had a very significant impact on Pupil A (who was already vulnerable), in that she tried to take her own life shortly after these matters came to a conclusion (page 23);
- Mr Ariss admits to sending sexually explicit communications to Pupil A, which would never be appropriate or acceptable in this situation (page 60);
- The panel was particularly concerned that, once he started to be investigated, Mr Ariss asked Pupil A to delete text messages and then to create a “back-up” story (page 61);
- Throughout the various investigations, hearings and the trial, Mr Ariss, for the most part, still seems to be focussing on himself and the impact that his actions have had on him. The panel note that in his letter of mitigation dated 7 July 2016 and sent from prison, he states that he had been advised by his barrister and solicitors that, if the situation had been different, he could have sued Pupil A for harassment. The panel commented that specifically referring to this point reinforces their view that he has shown very little insight into his actions. Although, the panel does note that Mr Ariss accepts that he made a “huge mistake”.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect. The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Ariss was responsible for causing or inciting sexual activity with a child, which it considers to be serious sexual misconduct.

As stated above, the panel is not persuaded that Mr Ariss has shown sufficient insight into his actions, although it is noted that Mr Ariss accepts that he has made a “huge mistake.”

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

## Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations made by the panel both in respect of sanction and review.

Mr Ariss has been found guilty of a relevant offence. The panel has seen the Certificate of Conviction dated 12 February 2016, which confirms that Mr Ariss was convicted of: (1) one count of causing or inciting a female child under 16 to engage in sexual activity – no penetration; and (2) two counts of causing or inciting a girl aged 13-15 to engage in sexual activity (page 20).

I have noted that the panel has made reference to part two of the advice published by the Secretary of State, and they found Mr Ariss 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Ariss fell significantly short of the standards expected of the profession.

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 protection of pupils, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct. I agree with the panel's view.

In light of the panel's findings against Mr Ariss, which involved causing or inciting a child to engage in sexual activity, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a child.

I note that the panel concluded that there was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be deliberate, calculated and premeditated.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Ariss. In reaching their opinion, I have noted the panel's thorough consideration, reasoning and the significant factors which are set out very clearly above. I do not need to reiterate these points again here. I agree with the panel's view.

I have taken into account the guidance published by the Secretary of State. I have taken into account the need to balance the public interest with the individual interests of Mr Ariss. I have also taken into account the need to be proportionate.

The panel has decided that the public interest considerations outweigh the interests of Mr Ariss. I agree with that view. For the reasons set out above, I support the recommendation of the panel that Mr Ariss be prohibited from teaching.

I now turn to the matter of a review period. I have taken into account the Advice. Once again I have weighed the public interest and the interests of Mr Ariss, and have taken into account the need to be proportionate.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Ariss was responsible for causing or inciting sexual activity with a child, which it considers to be serious sexual misconduct.

I note the panel is not persuaded that Mr Ariss has shown sufficient insight into his actions. The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Mr Ariss' behaviour has ultimately led to him receiving a sentence of imprisonment which is indicative of the seriousness of the offences committed.

I support the recommendation of the panel that this prohibition order should be without a review period.

**This means that Mr Richard Ariss is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Ariss shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Ariss 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 be 'JM', with a small dot at the end of the signature.

**Decision maker: Jayne Millions**

**Date: 25 November 2016**

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