



National College for
Teaching & Leadership

Mr Ashley Stuart Farquharson: Professional Conduct Panel outcome

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

October 2013

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Ashley Stuart Farquharson
Teacher ref no:	0856835
Teacher date of birth:	22 August 1980
NCTL Case ref no:	10296
Date of Determination:	28 October 2013
Former employer:	Denefield School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 28 October 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Ashley Stuart Farquharson.

The Panel members were Martin Pilkington (Lay Panellist– in the Chair), Judith Barton (Teacher Panellist) and Colin Parker (Teacher Panellist).

The Legal Adviser to the Panel was Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Louisa Atkin of Browne Jacobson LLP Solicitors. The Presenting Officer was not present as this was a Meeting of the Professional Conduct Panel, rather than a Hearing.

Mr Farquharson was not present and was not represented.

The Meeting took place in private. The decision as to facts and unacceptable professional conduct and/ or conduct that may bring the profession into disrepute was announced in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting of 3 October 2013.

This alleged that Mr Farquharson was guilty of unacceptable professional conduct/ conduct that may bring the profession into disrepute, in that whilst employed at Denefield School, Reading, he developed an inappropriate relationship with Student A and engaged in sexual intercourse with her and that in doing so, he failed to maintain the proper professional boundaries expected of a teacher.

Mr Farquharson admitted the facts of the allegations and further confirmed that the admitted facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Anonymised Pupil List and Chronology	Pages 2 – 3
Section 2: Notice of Referral, Response and Notice of Meeting	Pages 4a – 8
Section 3: Statement of Agreed Facts/ Representations	Pages 10 – 14
Section 4: NCTL Documents	Pages 16 – 69
Section 5: Teacher's Documents	Pages 71 – 76

The Panel Members confirmed that they had read all of the documents in advance of the Meeting.

Witnesses

Convened as a meeting, the Panel heard no oral evidence .

E. Decision and reasons

The Panel announced its decision and reasons as follows:

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

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

Summary of Evidence

A Statement of Agreed Facts had been signed by Mr Farquharson on 20 September 2013 and by the Presenting Officer on 25 September 2013. The Statement of Agreed Facts confirmed that Mr Farquharson admitted all of the alleged facts. Furthermore, Mr Farquharson confirmed that the admitted facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Farquharson proven, for these reasons:

1 Whilst employed at Denefield School, Reading, Mr Farquharson developed an inappropriate relationship with Student A and engaged in sexual intercourse with her. In doing so, he failed to maintain the proper professional boundaries expected of a teacher.

On 20 August 2013, Mr Farquharson returned a Notice of Referral Form admitting the allegations set out in the Notice of Referral. He further confirmed that the admitted facts amounted to unacceptable professional conduct and/ or conduct that may bring the profession into disrepute. He requested that the allegations be considered without a hearing. That request was granted and confirmed by letter from the National College dated 3 October 2013.

The Panel have in their hearing bundle at pages 10 – 12 a Statement of Agreed Facts signed by Mr Farquharson on the 20 September 2013 and by the Presenting Officer on 25 September 2013.

The Statement of Agreed Facts confirmed that Student A was a vulnerable student who was at risk of self harm. In December 2011 Mr Farquharson received an email from Student A in which she told him that she had feelings for him. He reported this to the school and was advised that he should not provide pastoral support to Student A and that any academic work should be done publicly. In December 2012, Mr Farquharson happened to meet Student A whilst he was out in the town centre. They had a conversation and subsequently developed a personal relationship,. Mr Farquharson met with Student A to go out in his car. Mr Farquharson accepts that he had sexual intercourse with Student A on around 6 occasions between January 2013 and the beginning of March 2013.

The allegation is admitted and therefore found proved.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

In the Statement of Agreed Facts, Mr Farquharson admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The Panel is satisfied that the conduct of Mr Farquharson in relation to the facts that we have found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two Mr Farquharson is in breach of the following standards:

- Upholding 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 the 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 Farquharson fell significantly short of the standards expected of the profession.

The Panel notes that the conduct admitted took place outside of the education setting, and exposed a vulnerable student to behaviour which potentially could have been harmful. Accordingly, the Panel is satisfied that Mr Farquharson is guilty of unacceptable professional conduct.

The Panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The Panel therefore finds that Mr Farquharson's actions constitute conduct that may bring the profession into disrepute. The findings of misconduct are serious, and are directly related to his suitability to be a teacher.

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 a 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 a punitive effect.

The Panel has examined the particular public interest considerations set out in the Teacher Misconduct – Prohibition of Teachers Advice and having done so has found a number of them to be relevant in this case, namely

- the protection of children
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct.

In light of the Panel's findings against Mr Farquharson, which involved serious findings of having a sexual relationship with a vulnerable student, there is a strong public interest consideration in respect of the protection of children.

The Panel found that Mr Farquharson's conduct is outside that which can be tolerated.

The Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Farquharson is not treated with the utmost seriousness when regulating the conduct of the profession.

Proportionality

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 Farquharson. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by Mr Farquharson in a written submission. The Panel noted that Mr Farquharson has acknowledged that his conduct was unequivocally a dismissal matter and one for the police to consider, and that "both of these things happened is the only responsible course of action for the respective decision makers". The Panel noted the difficulties that Mr Farquharson has described he was experiencing at the school and his history of health issues. The Panel has also taken into account the expressions of love that Mr Farquharson has expressed for Student A. The Panel was also mindful of the fact that prior to these findings being made against him, Mr Farquharson was

considered to be a person of good character with only a caution in respect of the acts that are the subject of these allegations against him. However, the Panel was concerned that Mr Farquharson failed to demonstrate insight as to the potentially harmful nature of the relationship on a vulnerable pupil or any remorse beyond recognising it to be professionally inappropriate.

The Guidance

In carrying out the balancing exercise the Panel has considered the public interest factors both in favour of and against prohibition, as well as the interests of Mr Farquharson. The Panel took further account of the Teacher Misconduct – Prohibition of Teachers Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. From the list of such behaviours, the Panel has found the following to be relevant:

- serious departure from the personal and professional conduct elements of the latest teachers' standards;
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk;
- abuse of position/trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sustained or serious bullying, or other deliberate behaviour that undermines the profession, the school or colleagues.

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. The Panel finds that Mr Farquharson's actions were deliberate, that he was not acting under duress, but that he had a previously good record.

The Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations and safeguarding concerns outweigh the interests of Mr Farquharson. Accordingly, the Panel makes a recommendation to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

The Panel was mindful that the Teacher Misconduct – Prohibition of Teachers Guidance 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 two years.

The Teacher Misconduct – Prohibition of Teachers Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours include serious sexual misconduct. The panel considers this to

be a serious case of sexual misconduct with a vulnerable pupil. The need for protection of pupils in the future indicates a situation in which a review period would not be appropriate. As such, it has decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have considered the panel's findings and recommendations. The facts have been found and indeed Mr Farquharson has agreed those facts. Those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

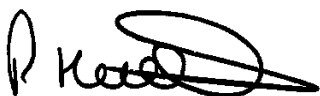
This case involves serious findings of Mr Farquharson having a sexual relationship with a vulnerable student. Such behaviour could seriously weaken public confidence in the profession. Whilst the panel noted Mr Farquharson's previous good character, it was concerned with the lack of insight and remorse shown.

In all the circumstances I agree that a prohibition order without the provision for a review period is both appropriate and proportionate.

This means that Mr Ashley Stuart Farquharson 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 allegation found proved against him, I have decided that Mr Ashley Stuart Farquharson 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 Ashley Stuart Farquharson 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.



NAME OF DECISION MAKER: Paul Heathcote

Date: 29 October 2013

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