



National College for
Teaching & Leadership

Andrew James Duffell: Professional Conduct Panel outcome

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

December 2014

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	6
Documents	6
Witnesses	7
E. Decision and reasons	7
Findings of Fact	8
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	12
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	16

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

Teacher: Mr Andrew James Duffell

Teacher ref no: 0862368

Teacher date of birth: 26 September 1985

NCTL Case ref no: 0009815

Date of Determination: 18 December 2014

Former employer: Easingwold School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 17 and 18 December 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Andrew James Duffell.

The Panel members were Jean Carter (Lay Panellist – in the Chair), Tony Heath (Lay Panellist) and Dr Robert Cawley (Teacher Panellist).

The Legal Adviser to the Panel was Patricia D’Souza of Eversheds LLP.

The Presenting Officer for the National College was Stephen Brassington of Counsel, of 2 Hare Court, instructed by Nabarro LLP.

Mr Andrew James Duffell was not present and was not represented.

The hearing took place in public and was recorded. Part of the hearing was heard in private (for the reasons set out below).

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 1 October 2014, as set out below.

It was alleged that Mr Andrew James Duffell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Easingwold School:

1. On an unknown date in 2012, you:
 - a. added/accepted Pupil A as a 'friend' on Facebook.
 - b. did not know Pupil A at the time of your conduct as described in paragraph 1(a) above;
2. On one or more occasions prior to November 2012, you engaged in inappropriate conversations of a sexual nature with Pupil A.
 - a. on Facebook,
 - b. via text message and/or Whats App messages,
 - c. in person;
3. On one or more occasions in 2012, you arranged to meet with Pupil A including:
 - a. in or around July 2012 when you:
 - i. picked Pupil A up from Stockton in your car.
 - ii. drove Pupil A to a secluded spot.
 - iii. whilst in your car:
 1. you performed oral sex on Pupil A,
 2. Pupil A performed oral sex on you;
4. At the time of the events described at paragraphs 1 to 3 above:
 - a. Pupil A was under the age of 16,
 - b. you knew or ought to have known that Pupil A was under the age of 16;
5. Your conduct as described at paragraphs 1 to 3 above was sexually motivated.

C. Preliminary applications

As Mr Duffell was not in attendance, the Presenting Officer made an application for the hearing to proceed in Mr Duffell's absence.

The Panel is satisfied that the National College has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations"). The Panel is also satisfied that the Notice of Proceedings contains the details required by paragraph 4.12 of the Teacher Misconduct – Disciplinary procedures for the teaching profession ("Procedures").

The Panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Mr Duffell.

The Panel understands that its discretion to commence a hearing in the absence of Mr Duffell has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In making its decision, the Panel has noted that Mr Duffell may waive his right to participate in the hearing.

The Panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. Mr Duffell has indicated in the Notice of the Proceedings form that he did not intend to appear or be represented at the hearing. This was also confirmed in email correspondence between the National College and Mr Duffell's Union representative. The Panel has had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. The Panel therefore considers that Mr Duffell has voluntarily waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place. There is no indication that an adjournment would result in Mr Duffell attending the hearing. The Panel has had regard to the seriousness of this case, and the potential consequences for Mr Duffell but considers, in light of Mr Duffell's waiver of his right to appear, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing. The Panel further considered that Mr Duffell is not prejudiced by this decision, as he has provided a full statement which will be considered by the Panel at the appropriate stage of the proceedings.

The Panel also considered whether to exercise its discretion under Regulation 11 of the Regulations and paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing. This follows a request by Mr Duffell that the hearing should be held in private. The Panel was also advised to consider whether it would be appropriate and in accordance with the Regulations to consider excluding the public from all or part of the hearing as a result of sensitive information relating to Pupil A's health being discussed.

The Panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of

these proceedings and also to maintain confidence in the teaching profession. The Panel considered the request for the hearing to be heard in private for the reasons provided by Mr Duffell, i.e. that having obtained new employment outside of education he would prefer for the hearing to be held in private given the sensitive nature of the allegations. The Panel has also had regard to whether Mr Duffell's request runs contrary to the public interest. The Panel did not regard these reasons as sufficient to displace the general presumption that a hearing will be held in public.

The Panel has considered whether there are any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to Pupil A's health. The Panel has taken account of letters received from a professional involved in the care of Pupil A which gave reasons as to why he considered the public should be excluded from the hearing. The Panel has also taken account of the information Pupil A has provided in his witness statement relating to his health and the distress that the matters relating to the allegations have caused him. The Panel considers that it would be practicable to exclude the public from parts of the hearing only where Pupil A's health or general well-being is discussed.

The Panel is required to announce its decisions in public as to whether the facts have been proved and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continues any decision of the Secretary of State will also be in public. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained.

Therefore the Panel concluded it is both in the public interest and the interest of Pupil A as a vulnerable witness (albeit Pupil A is not present to provide oral evidence) for the public to be excluded whilst matters relating to Pupil A's health and well-being are discussed before the Panel.

D. Summary of evidence

Documents

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

Section 1:	Chronology and Anonymised Individuals List	Pages 2 - 3
Section 2:	Notice of Proceedings	Pages 4 - 20
Section 3:	National College for Teaching and Leadership Witness Statements	Pages 21 - 32

Section 4: National College for Teaching and Leadership Documents Pages 33 -121

Section 5: Teacher Documents Pages 122 -158

The Panel agreed to admit under paragraph 4.18 of the Procedures an additional letter relating to the health of Pupil A which was paginated as page 121a. The Presenting Officer confirmed that Mr Duffell had raised no objection to this document being included in the bundle of documents.

The Panel were also provided with two photographs from the Presenting Officer which are photographs of Pupil A displayed on his Facebook account at the time relevant to the allegations. These were referred to as Document A and Document B. As these were not suitable to be disclosed, the Panel agreed to admit such photographs as evidence but they would not form part of the bundle of documents. Mr Duffell's attention was drawn to the Presenting Officer's intention to rely on such photographs in the Notice of Proceedings and Mr Duffell was notified in the Notice of the Proceedings that he would be provided with an opportunity to inspect these at the National College's offices if he so wished.

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

Witnesses

Mr Duffell did not attend. However, the Panel heard oral witness evidence from Parent B mother of Pupil A.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

The Panel has now carefully considered the case before us and have reached a decision.

The Panel confirm that it has read all the documents provided in the bundle in advance of the hearing.

Summary of Evidence

Mr Duffell had been employed by Easingwold School as an ICT Teacher from 1 September 2009 and became an Assistant Principal Teacher in Business and Enterprise at the same School in 2011. In early 2012, it is alleged that Mr Duffell initially contacted Pupil A by Facebook, and then engaged in a series of inappropriate messages many of which were of a sexual nature prior to meeting up with Pupil A for the purpose of sexual activity. On 1 November 2012, Mr Duffell was interviewed by the police and was

suspended from Easingwold School as a precautionary measure. In a meeting with his employer Mr Duffell communicated his objection to any investigations being undertaken whilst the police investigation was ongoing. Mr Duffell resigned from his position on 20 September 2013. In December 2013, Mr Duffell was informed that the police would take no further action in relation to the allegations against him.

Findings of Fact

Our findings of fact are as follows:

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

1. On an unknown date in 2012, you:

a. added/accepted Pupil A as a ‘friend’ on Facebook.

The Panel noted from the transcript of his interview with the police that Mr Duffell admits contacting Pupil A on Facebook and accepting him as a friend. In his response to the allegations, Mr Duffell did not challenge the substance of this allegation. It is also clear from Pupil A’s statement in the bundle of documents that he admits accepting Mr Duffell’s friend request on Facebook. Allegation 1(a) was therefore found proved.

1b. did not know Pupil A at the time of your conduct as described in paragraph 1(a) above;

In the record of his discussion with the police, Pupil A indicates that he did not know Mr Duffell at the time they corresponded on Facebook, however they had a mutual friend in common. In addition, the Panel noted that Mr Duffell admits in his statement to the National College that he had not met Pupil A prior to exchanging messages on Facebook and therefore it is clear that Mr Duffell did not “know” Pupil A at the time. Therefore allegation 1(b) was also therefore found proved.

2. On one or more occasions prior to November 2012, you engaged in inappropriate conversations of a sexual nature with Pupil A.

a. on Facebook,

Mr Duffell refers, in the transcript of his interview with the police, to Pupil A engaging in conversations of a sexual nature with him. He also admits he may “possibly” have engaged in such conversations, on the assumption that Pupil A was 16. Such conversations took place on Facebook or by text message. The Panel had regard to the note of Mr Duffell’s discussion with his employer on 17 July 2013, in which it is recorded that Mr Duffell recollected that Pupil A began posting messages to him on Facebook which contained items of a sexual nature which he initially engaged with. The Panel

recognises that Mr Duffell later blocked such communications from Pupil A, then unblocked them and then re-blocked them, however, it is clear from the initial contact that Mr Duffell did engage in such conversations. The Panel therefore found allegation 2a. proved.

2b. via text message and/or Whats App messages,

The Panel had regard to Pupil's A's statement and the record of his discussion with the police in which he indicated that after accepting Mr Duffell's friendship request, Mr Duffell asked him for his mobile number which he freely gave and they then started sending messages via What's App. Pupil A could not recall with certainty that he and Mr Duffell exchanged messages by text in addition to Whats App but he did recall that the content of the messages was "general stuff". However, Pupil A further indicates in his statement that after meeting, he and Mr Duffell talked about sex in subsequent messages.

The Panel had the benefit of hearing Parent B's oral evidence that she had seen numerous messages sent between Mr Duffell and Pupil A. After seizing Pupil A's mobile telephone from Pupil A during an argument, Parent B took time to read both the texts and Whats App messages, and was shocked by the sexual nature of many of the messages she read. When questioned by the Panel, Parent B stated that she recollected that many of the text conversations had been initiated by Mr Duffell. The Panel found Parent B's evidence to be credible and had no reason to doubt her impression of the content of the Whats App and other text messages she had seen. In addition, the Panel noted that in the transcript of his interview with the police, Mr Duffell indicated that there would have "probably" been some sexually orientated texts exchanged between him and Pupil A. Therefore, on the balance of probabilities, the Panel found that it was more likely than not that text messages of a sexual nature were sent between the two, and as a result this allegation was found proved.

2c. in person;

The Panel had regard to Pupil A's written evidence that Mr Duffell asked him to meet up a few weeks after commencing Facebook and text contact. Pupil A stated that when they met in person, Mr Duffell kept hinting he wanted sex by the way he touched Pupil A's legs and by what he said.

In the transcript of his interview with the police, Mr Duffell stated that Pupil A indicated to him that he wanted to meet up to undertake sexual activity. However, he also admits that it is possible he also indicated that he would like to engage in such activity, on the assumption that Pupil A was 16. In addition, Mr Duffell also states in the same interview with the police that he did discuss sexual activity with Pupil A (albeit that Mr Duffell maintained that he did not want to undertake any sexual activity).

On the balance of probabilities, the Panel found that there is evidence that inappropriate conversations that were sexual in nature had taken place in person and therefore the Panel found this allegation 2c. proved.

3. On one or more occasions in 2012, you arranged to meet with Pupil A including:

a. in or around July 2012 when you:

i. picked Pupil A up from Stockton in your car.

Both the written evidence from Mr Duffell and Pupil A confirm that a meeting was arranged and took place between them and that Mr Duffell picked Pupil A up in his car from Stockton. The Panel therefore found allegation 3a.i proved.

ii. drove Pupil A to a secluded spot.

Pupil A stated in his written evidence that Mr Duffell had asked to meet and Pupil A had agreed to meet in a field near Pupil A's home. There are differing accounts at this point between Pupil A and Mr Duffell. Pupil A stated that Mr Duffell then drove to a field near a farm which was very quiet as there were no people or houses around and little traffic. However, Mr Duffell does not admit driving Pupil A to a quiet location and in the transcript of his police interview he states that after picking Pupil A up in his car, he and Pupil A wandered around the shops in Stockton for 40 minutes.

However, the Panel had regard to the consistency of statements made by Pupil A and Mr Duffell during the course of police and employer investigations. In the view of the Panel Pupil A's accounts in the initial statement to the police and his subsequent interview present a wholly consistent narrative. The same cannot be said of Mr Duffell's accounts during the police and disciplinary investigations and his subsequent statement before the Panel.

The Panel also had regard to Mr Duffell's admission, in the transcript of the police interview, that he had previously had sex in his car with another individual in the same location (as alleged by Pupil A). Mr Duffell admitted that many of his previous sexual encounters had been arranged through a social media dating "App" which is used by males that wish to meet up for casual sex with other men. Even though the Panel expressed no view on whether such activities were appropriate or not, the Panel found that this established a pattern of behaviour which was consistent with Pupil A's account. Therefore on the balance of probabilities the Panel found allegation 3a.ii proved.

iii. whilst in your car:

1. you performed oral sex on Pupil A,

2. Pupil A performed oral sex on you;

The Panel had regard to Pupil A's witness statement which stated that Mr Duffell had touched Pupil A's leg and from what he said, that it was clear to Pupil A that Mr Duffell wanted Pupil A to perform oral sex on him. Although uncertain of the order of events, Pupil A confirmed in his statement that Mr Duffell performed oral sex on him and he also performed oral sex on Mr Duffell. Mr Duffell denies that he engaged in sexual activity of any description with Pupil A when they met up.

As outlined in the Panel decision on allegation 3a(ii), the Panel considered Pupil A's account to be more credible than that of Mr Duffell and therefore on the balance of probabilities the Panel believes that allegation 3a.iii (1) and (2) is proved.

In making its determination on the facts of this allegation, the Panel took into account the Presenting Officer's submission that it is highly unlikely that Pupil A would have made up false allegations about Mr Duffell, as the investigation of these matters were taken out of Pupil A's hands by the police and conducted almost immediately after the discovery by Parent B of inappropriate messages between Mr Duffell and Pupil A.

4. At the time of the events described at paragraphs 1 to 3 above:

a. Pupil A was under the age of 16,

b. you knew or ought to have known that Pupil A was under the age of 16;

The Panel had regard to the fact that Mr Duffell stated in his interview with the police that he had assumed that Pupil A was 16 as he said this was stated on Pupil A's Facebook profile and Pupil A had told him in person that this was his age. However, upon a review of the information provided in the bundle including the date of birth of Pupil A, it was clear that Pupil A was not 16 at the time the facts of the allegations took place.

However, in his statement Pupil A indicates that at the time that he was picked up by Mr Duffell in his car and driven to a field, he was 14. In her oral evidence Parent B states at the time Pupil A was aged 14 he very much looked like a child. Parent B referred to Pupil A appearing being very immature for his age in both appearance and demeanour and that as a secondary school teacher Mr Duffell should have known that Pupil A was under 16.

In addition, the Panel considered the two photographs presented to them by the Presenting Officer, which were taken a few months prior to the period covered by the allegations. In the Panel's view, it was obvious from the photographic evidence presented that Pupil A was clearly younger than 16. The Panel considered that given Mr Duffell's three years' experience as a secondary school teacher, he must have realised this certainly at the point they met in person.

Therefore on the balance of probabilities the Panel found allegation 4a and 4b proved.

5. Your conduct as described at paragraphs 1 to 3 above was sexually motivated.

The Panel had regard to Mr Duffell's statement in his interview with the police that it was possible that he had engaged in discussions about sexual activity with Pupil A given his stated erroneous assumption that Pupil A was 16. The fact that Mr Duffell befriended Pupil A on Facebook, then arranged to meet with Pupil A and engaged in inappropriate conversations of a sexual nature by text and in person, indicates that Mr Duffell's conduct overall was sexually motivated. The Panel has found that in 3(iii) (1) and (2), that on the balance of probabilities oral sex took place between Pupil A and Mr Duffell and that this was a culmination of a course of conduct by Mr Duffell which was intended to result in sexual activity with Pupil A for his own gratification.

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

In considering the allegations that the Panel has found proved, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which it refers to as the 'Guidance'.

The Panel is satisfied that the conduct of Mr Duffell in relation to the facts found proved, involved breaches of the Teachers' Standards. The Panel considers that by reference to Part Two, Mr Duffell 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;
- 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 Duffell fell significantly short of the standards expected of the profession. As a teacher, it was inappropriate for Mr Duffell to engage in conversations of a sexual nature or any sexual activity with any person under the age of 18. The Panel noted that Parent B stated in her oral evidence that Pupil A was not mature for his age, lacked in confidence and it was likely that Mr Duffell took advantage of his particular vulnerabilities. Clearly Mr Duffell had no regard for the need to

safeguard Pupil A's well-being and failed to act in a way which did not exploit Pupil A's vulnerability.

The Panel has also considered whether Mr Duffell's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Guidance and the Panel has found that the offence of sexual activity is relevant. The Guidance indicates that where behaviours associated with such an offence exist (regardless of whether an offence has been committed), a Panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The Panel notes that the allegations took place outside of the education setting and largely outside of schools hours, during both Pupil A's and Mr Duffell's leisure time and during school holidays. Parent B was firmly of the view that from the content of the text messages she had seen on Pupil A's phone she considered that there was a serious risk that Mr Duffell had been grooming her son or treating him in a predatory manner. Having heard Parent B's oral evidence and read Pupil A's written evidence the Panel were satisfied that this course of conduct by Mr Duffell, triggered an aggravation of Pupil A's pre-existing health conditions.

The Panel was concerned by Mr Duffell's attitude, as displayed during his meeting with his employer on 17 July 2013 and during his police interview where he stated that he only had a position of trust with pupils in his own school. He demonstrated a seriously flawed and misconceived understanding of his wider professional responsibilities as a teacher, by failing to recognise his responsibility for the safeguarding of any young person under the age of 18. Taking this in the context of the Panel's consideration of Mr Duffell's pattern of sexual behaviour, the Panel had a serious concern that such behaviour could be repeated.

Accordingly, the Panel is satisfied that Mr Duffell is guilty of unacceptable professional conduct.

The Panel has also 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. The Panel considered that Mr Duffell not only breached or abused his position of trust and influential role in relation to the way he behaved towards Pupil A, but he also let Pupil A down in the sense that he should have sought to support and encourage Pupil A rather than take advantage of Pupil A for his own sexual gratification.

The Panel's findings of misconduct are serious and the conduct displayed would more than likely have a negative impact on how the public perceives the teaching profession. The Panel therefore finds that Mr Duffell's actions constitute conduct that also may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable unprofessional 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.

The Panel had regard to the fact that Mr Duffell has not been subject to a previous order by the Secretary of State or the GTCE. There was no independent evidence as to Mr Duffell's character or teaching ability before the Panel.

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 Guidance and having done so has found a number of them to be relevant in this case, namely the protection of pupils and other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The Panel found that Mr Duffell engaged in inappropriate behaviour through his communications with Pupil A, performed oral sex on Pupil A and encouraged Pupil A to perform oral sex on him. In view of the fact that Pupil A was a particularly vulnerable child at the time of the allegations, the Panel finds there is a strong public interest consideration in respect of the need to protect pupils. The findings of inappropriate communications and sexual activity between Mr Duffell and Pupil A are extremely serious and the Panel considers that this is conduct that far transcends the appropriate boundaries and proper standards of conduct expected of those in the teaching profession.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Duffell were not treated with the utmost seriousness when regulating the conduct of the profession. Parents would have grave concerns if an individual who had engaged in such inappropriate behaviour were allowed to continue to teach.

The Panel considered that a strong public interest exists in declaring proper standards of conduct in the profession as the conduct found against Mr Duffell was outside that which could reasonably be tolerated for the reasons explained throughout this recommendation.

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 Duffell. There was no independent evidence before the Panel of Mr Duffell's character or teaching ability other than the statement by Mr Duffell himself that he had a previous unblemished teaching record. The Panel had already noted that Mr Duffell was not subject to any previous disciplinary orders by the Secretary of State or the GTCE.

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 Duffell. The Panel took further account of the Guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours 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

The Panel noted that during a meeting with his employer and during his interview with the police, Mr Duffell stated that his position of trust as a teacher only applied to the pupils at his current school. The Panel considers this attitude to be a serious departure from the standards expected of a teacher and evidence of Mr Duffell's lack of insight into his professional responsibilities. Mr Duffell, in the Panel's view, represents a continuing risk to the well-being of pupils.

The Panel is of the view that Prohibition is necessary and a proportionate sanction. The Panel finds that the public interest considerations outweigh the interests of Mr Duffell. 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 to recommend a review period for the Prohibition Order. The Panel was mindful that 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 Guidance indicates that there are behaviours that, if proved, may militate against a review period being recommended. One of these behaviours includes 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 Duffell has engaged in serious sexual misconduct through his communications and sexual actions with Pupil A, which had a significantly harmful effect on Pupil A. As a result of Mr Duffell's behaviours, Pupil A found himself in a situation whereby he participated in a sexual act whilst under the age of 16, which he later regretted and which deeply affected him.

It is the Panel's view that Mr Duffell has shown no insight or remorse for his actions. He has not indicated that he regrets his actions or the harmful effect that they may have had on Pupil A. It is for these reasons that the Panel considered this was 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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations in this case.

The panel have found all the allegations proven and have judged that the facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

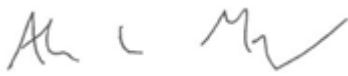
The facts found proven relate to behaviour incompatible with being a teacher including serious sexual misconduct with a pupil. All the public interest considerations are brought into play in this case and Mr Duffell has shown no remorse or insight into his behaviour. His actions have had a deeply harmful effect on Pupil A.

In all the circumstances I agree with the panel's recommendations that a Prohibition Order without the opportunity for an application to have it set aside is an appropriate and proportionate sanction.

This means that Mr Andrew James Duffell 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 Andrew James Duffell 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 Andrew James Duffell 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: Alan Meyrick

Date: 19 December 2014

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