



National College for  
Teaching & Leadership

**Mr Tyrone Mark:**

# **Professional Conduct Panel outcome**

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

**8 July 2014**

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

<b>Teacher:</b>	Mr Tyrone Mark
<b>Teacher ref no:</b>	9951029
<b>Teacher date of birth:</b>	24 November 1975
<b>NCTL Case ref no:</b>	10271
<b>Date of Determination:</b>	Tuesday 8 July 2014
<b>Former employer:</b>	The Arnewood School, New Milton, Hampshire

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 and 8 July 2014 at The Ramada Hotel, The Butts, Coventry to consider the case of Mr Tyrone Mark.

The Panel members were Ms Jean Carter (Lay Panellist – in the Chair), Mr Martin Pilkington (Lay Panellist) and Mr Peter Cooper (Teacher Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Blake Morgan LLP Solicitors.

The Presenting Officer for the National College was Ms Melinka Berridge of Kingsley Napley LLP Solicitors.

Mr Tyrone Mark was not present and was not represented.

The hearing took place in public and was recorded.

## B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 25 April 2014.

It was alleged that Mr Tyrone Mark was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. He failed to maintain professional boundaries with Pupil A and instigated an inappropriate relationship that included:-
  - a. Texting Pupil A, including late at night, using inappropriate language and making inappropriate comments in those communications;
  - b. Giving gifts to Pupil A, which included but was not limited to gifts of:-
    - i Alcohol;
    - ii Condoms; and
    - iii A key to his house;
  - c. Being alone with Pupil A in his car and providing driving lessons on public roads whilst she was:-
    - i Under age;
    - ii Uninsured; and
    - iii When, on at least one occasion, he was under the influence of alcohol;
  - d. Meeting Pupil A and/or taking her on trips without her parents' knowledge and/or consent;
  - e. Undermining the relationship between Pupil A and her parents;
  - f. Making derogatory comments to Pupil A that staff at the Arnewood School could not teach;
  - g. Criticising the management of the Arnewood School; and
  - h. Breaching confidentiality in that he relayed sensitive information about staff to Pupil A including a work colleague, Individual D, being pregnant.

2. On a date prior to 23 August 2013 he deliberately and knowingly made notes containing sexually explicit comments about pupils and former pupils of the Arnewood School, Hampshire.
3. On a date prior to 23 August 2013 he collected and stored photographs of pupils and former pupils of the Arnewood School, Hampshire.
4. On a date prior to 23 August 2013 he organised and stored the notes referred to at Paragraph 2 and the photographs referred to at Paragraph 3 along with newspaper cuttings advertising “adult services” and “massage parlours” into folders labelled “(TMK) Leisure Documents (Scrap Sheets)” and “Leisure Folder #2”
5. His conduct at Paragraphs 2 to 4 amounts to an abuse of trust against pupils and former pupils of the Arnewood School, Hampshire.
6. His conduct at Paragraphs 1-4 was sexually motivated.

No indication was received from the Teacher whether he admitted the facts of the case.

## **C. Preliminary applications**

In the absence of the teacher the Presenting Officer made an application for the hearing to proceed. The Panel was satisfied that the Notice of Proceedings in proper form had been served on Mr Mark at his last known address and that the time of service and contents of the Notice of Proceedings complied with rule 4.10. The Notice of Proceedings is exhibited in the case papers at pages 7-11.

In an email sent to the National College on 25 June 2014 Mr Mark wrote that he would not be attending the hearing. The Panel therefore determined that he had waived his right to be present and directed that the case should proceed in his absence.

## **D. Summary of evidence**

### **Documents**

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

Section 1	Chronology and Anonymised Identification Key	Pages 1 to 5
Section 2	Notice of Proceedings and Response	Pages 7 to 16
Section 3	NCTL Witness Statements	Pages 17 to 63
Section 4	NCTL Documents	Pages 64 to 650
Section 5	Teacher Documents – none.	

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

## **Witnesses**

The Panel heard oral evidence from the following witnesses at the Arnewood School called by the Presenting Officer:-

1. Witness A – Child Protection Officer and Pastoral Support Manager.
2. Witness B – Teacher.
3. Witness C – Headteacher.

## **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.

It is alleged in this case that the Teacher, Mr Tyrone Mark, developed a relationship with Pupil A over a period of time which was inappropriate and failed to observe the boundaries that should attend the teacher/pupil relationship. It is said that it was in breach of school policies, the Teachers' Standards and safeguarding guidance of which he was aware.

It is specifically alleged that he sent texts to Pupil A which were inappropriate and that he gave her a number of gifts of items including alcohol, condoms and the key to his house.

On occasions he was alone with Pupil A in his car providing driving lessons to her on public roads and on at least one such time he was under the influence of alcohol. In addition Pupil A was uninsured and under age.

It is further alleged that he undermined her relationship with her parents and, on occasions, took her out without her parents' knowledge/consent. In addition he is said to have made derogatory comments to Pupil A about the School, being critical of the management, and breaching confidentiality in relation to another member of staff.

Finally it is said that Mr Mark was found to have possession of folders containing sexually explicit comments about pupils and former pupils of the school, in his handwriting on Post It notes. Photographs of pupils and former pupils were also found in the folders.

The National College submit that his conduct amounts to an abuse of trust against pupils and former pupils of the school and that his conduct was sexually motivated in relation to all alleged matters.

Mr Mark has submitted no documents or evidence in response to the allegations.

## **Findings of Fact**

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Tyrone Mark proven, for these reasons:

1. **He failed to maintain professional boundaries with Pupil A and instigated an inappropriate relationship that included:-**
  - a. **Texting Pupil A, including late at night, using inappropriate language and making inappropriate comments in those communications;**

We heard evidence from Witness A, Child Protection Officer and Pastoral Support Manager, at the school. She adopted her witness statement (pages 18-34) and the Panel was able to question her. We assessed her to be a truthful witness. She told us that she was shown a number of text messages on Pupil A's mobile phone and was able to verify that these messages came from Mr Mark's mobile number. She caused a transcript of the messages to be prepared, which she checked, and was, thus, able to confirm that the transcript was accurate – the transcript is exhibited at pages 442-449 of the case papers. The transcript records a number of texts sent to Pupil A late

at night and the texts contain derogatory remarks about Pupil A's mother, unacceptable language and inappropriate comments.

**b. Giving gifts to Pupil A, which included but was not limited to gifts of:-**

- i Alcohol;**
- ii Condoms; and**
- iii A key to his house;**

In the course of her discussions with Pupil A in December 2012 Witness A was told that Mr Mark gave Pupil A a variety of gifts including those specified in this particular. Although we have received no direct evidence from Pupil A, Witness A told the hearing that she had no reason to disbelieve Pupil A. In any event, Pupil A brought into school some of the gifts she had received from Mr Mark including some bottles of alcohol and, eventually, the key to his house. There are photographs in the case papers of those gifts at pages 536-567 and we have had the benefit of seeing the gifts which were produced to the hearing by the Headteacher. Although Pupil A did not produce the condoms, as she said that she had thrown them away, the notes of the meeting between the Headteacher and Mr Mark on 5 February 2013 record that Mr Mark admitted to giving Pupil A the back door key to his house, "a number of gifts including alcohol on occasions and a packet of condoms once" (page 498-9). The Headteacher told us that Mr Mark had seen the notes of the meeting and had agreed that they accurately recorded the discussion which had taken place.

**c. Being alone with Pupil A in his car and providing driving lessons on public roads whilst she was:-**

- i Under age;**
- ii Uninsured; and**
- iii When, on at least one occasion, he was under the influence of alcohol;**

The evidence on this particular comes via information given by Pupil A to Witness A that she had previously driven Tyrone Mark's car on a back road behind a tennis centre. In the "summary of concerns" prepared by Pupil A's father at page 490 he says that Mr Mark "often drank alcohol before the "lesson" and gave Pupil A alcohol to drink." Mr Mark, by inference, admits to the driving lessons in one of the text messages sent to Pupil A in the transcript referred to above which says:- " apparently



I can't b alone wiv u anymore!!!! So fuck the driving lessons and drink sessions.” Thus we are satisfied that Pupil A was underage and therefore uninsured.

Although both Pupil A and her parents were described by Witness A as persons whom she believed the document produced by Pupil A's father is second hand hearsay and it is the only place in which we can find any reference to the consumption of alcohol by Mr Mark at the time of the driving lessons. We therefore do not find proved that part of the particular which refers to Mr Mark being under the influence of alcohol.

However Pupil A's account of the driving lessons taking place has not been challenged by Mr Mark although he has had every opportunity to do so. It is also consistent with the text message quoted above. We, thus , find this particular proved in relation to Mr Mark giving Pupil A driving lessons when she was (i) underage and (ii) uninsured only.

**d. Meeting Pupil A and/or taking her on trips without her parents' knowledge and/or consent;**

The evidence on this particular comes from information given by Pupil A to Witness A and is also mentioned in the “summary of concerns” prepared by Pupil A's father. Pupil A's account of what happened is supported by her parents who have recorded their concerns about the whereabouts of their daughter and Mr Mark and their perspective on the trips at pages 475 – 491.

At page 494 in a letter to the Headteacher Mr Mark does accept that he did spend some time alone with Pupil A but says it was with full parental knowledge “in order to support her away from school.” That assertion is absolutely rejected by Pupil A's parents who say they did not know where they had gone to and were not able to contact them by mobile phone or otherwise. On the two occasions that Mr Mark took Pupil A to Bath she told Witness A that they stayed out longer than she had expected and on one such occasion she says they went to the cinema. The account given by Pupil A largely accords with the summary prepared by her father and we are satisfied, on the balance of probabilities, that it is reliable. The evidence indicates that the nature of the trips to Bath was such that Pupil A's parents were not made aware of where she was and did not give their consent to the days out.

**e. Undermining the relationship between Pupil A and her parents;**

The transcript of the text messages alone provides more than adequate evidence of Mr Mark undermining the relationship between Pupil A and her parents. It contains records of texts coming from Mr Mark which are directly and graphically offensive

towards Pupil A's mother describing her as a "foreign cunt". In addition the totality of the evidence in this case causes the Panel to adopt the assertion made by the Presenting Officer "that Mr Mark deliberately and persistently increased his presence in Pupil A's life with the intent of creating a bond with Pupil A whereby she became dependant on him rather than her parents." In doing so he undermined the relationship with her parents. Examples of that conduct include the text messages, the unauthorised trips away, the driving lessons, the cards sent to her and other gifts and the derogatory comments about Pupil A's mother.

**g. Criticising the management of the Arnewood School;**

The evidence on this particular comes from the father's record where he records at page 487 that his daughter told him that Mr Mark was "very rude about the Headteacher and Deputy Heads and repeatedly boasted that he was "boss" of the school and the most important person running the school." (page 487). In addition, and by way of corroboration, there are two texts contained in the text transcript at page 444 which contain implied criticisms of the school's management. In one such text Mr Mark says "Got to lead a senior team meeting on Monday arvo wiv all the peps who have had a go at me this wk.... eg. The head.... The deputy heads ....gr8!" and "Walked out of a meeting today wiv (Deputy Headteacher) to tutor Pupil C. He said.... But u r free lesson 4 ... why can't you stay to assist.... "got better things to do with my time" ... was not happy!" Given the consistency between these two pieces of evidence we are satisfied this particular is proved.

**2. On a date prior to 23 August 2013 he deliberately and knowingly made notes containing sexually explicit comments about pupils and former pupils of the Arnewood School, Hampshire.**

We have seen the huge number of Post it notes in the folders recovered in October 2013 from Mr Mark's lodgings which are exhibited in the case papers. They contain lurid sexual comments about many pupils and former pupils of the school which are explicit and entirely inappropriate. We were told by Witness B, a teacher at the school, of the circumstances which led him to discover these items and take possession of them. Witness B had been a friend of Mr Mark. He told the hearing how he recovered the folders from Mr Mark's room. He said that he felt shaky on discovering this material which he clearly had been very surprised to find. He was also able to confirm that, having been a colleague of Mr Mark, he was very familiar with his handwriting. He left the Panel in no doubt at all that the comments on the Post It notes had been made by Mr Mark. Witness B's evidence has not been

disputed by the teacher and we found him to be a straightforward and truthful witness.

**3. On a date prior to 23 August 2013 he collected and stored photographs of pupils and former pupils of the Arnewood School, Hampshire.**

These photographs are exhibited in the case papers. We have seen them. Witness B told the Panel they were found in the same files recovered from Mr Mark's lodgings as set out above.

**4. On a date prior to 23 August 2013 he organised and stored the notes referred to at Paragraph 2 and the photographs referred to at Paragraph 3 along with newspaper cuttings advertising "adult services" and "massage parlours" into folders labelled "(TMK) Leisure Documents (Scrap Sheets)" and "Leisure Folder #2"**

We have been able to examine the original files recovered from Mr Mark's lodgings which have been made available during the course of the hearing and satisfy ourselves that they contain the items as described in this particular.

**5. His conduct at Paragraphs 2 to 4 amounts to an abuse of trust against pupils and former pupils of the Arnewood School.**

We are satisfied that the conduct we have found proved in relation to particulars 2 ,3 and 4 represents an abuse of the position of trust towards pupils that Mr Mark owed as a consequence of his position as a teacher. We adopt the view expressed to the Panel by the School's Headteacher that Mr Mark took confidential data – particularly the pupils' photographs to which he had access through his privileged position as a teacher at the school. Those photographs should not be in the public domain off the school site. Mr Mark deployed the photographs in a sustained and systematic way over a period of nearly a decade and kept them in folders at his home alongside post it notes on which he made appalling comments of a graphically sexual nature in relation to pupils, many of whom were shown in the photographs. He also stored the photos alongside newspaper cuttings advertising all manner of adult services. In our view this constitutes a fundamental betrayal of the trust he owed as a member of the profession to the pupils and their families for whom he carried professional responsibilities. As the Headteacher observes he used the photographs and the personal data endorsed on them for purposes for which they were clearly not meant and which were not in any sense in the best interests or duty of care to any young person.

**6. His conduct at Paragraphs 1-4 was sexually motivated.**

We are satisfied that in relation both to the content of the folders and the conduct towards Pupil A Mr Mark was sexually motivated. In the Panel's view the photographs, Post It notes and other contents of the folders, particularly the lurid descriptions of many pupils posted by Mr Mark, allow no other conclusion to be drawn. We also find that Mr Mark's course of conduct towards Pupil A leaves no other realistic explanation for its underlying motivation other than it was sexual and enabled him to spend increasing amounts of time alone with Pupil A, who was half his age. There can, in the view of the Panel, be no other credible explanation.

We have found the following particulars of the allegation against Tyrone Mark not proven, for these reasons:

**f. Making derogatory comments to Pupil A that staff at the Arnewood School could not teach;**

This is a very specific allegation and the evidence on this particular is solely contained in the record of concerns prepared by Pupil A's father (pp 475-491). This document is, to a significant extent, a rehearsal of what Pupil A's father says he was told by his daughter. We have not heard from Pupil A or from her father and have not been able to examine how the document was prepared or to test the accuracy of the information contained in the summary. We are not persuaded that we can rely on the summary produced by Pupil A's father on a stand alone basis where there is no corroboration of the information contained in it and we have had no opportunity at all to test this evidence.

**h. Breaching confidentiality in that he relayed sensitive information about staff to Pupil A including a work colleague, Mrs C, being pregnant.**

This particular relies solely on the uncorroborated written account prepared by Pupil A's father which we have not been able to test and we therefore have concluded that this particular is not proved.

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

We have concluded that the particulars that we have found to be proved and the conduct described therein all occurred within the education setting. We judge that this is a clear case of unacceptable professional conduct. Mr Mark has fundamentally breached the principal tenets of the Teachers Standards in relation to his personal and professional conduct. His behaviour towards Pupil A failed to observe the proper boundaries appropriate to his professional position and developed into an entirely inappropriate relationship which he clearly controlled. He appears to have paid no regard for her well being. He sent her abusive texts about the school and his professional colleagues. By his conduct he created dissension within her family and, in particular, made abusive and wholly inappropriate comments about her mother. He seems to have totally ignored the family's wishes in a number of ways and involved Pupil A in illegal behaviour in relation to the driving lessons.

The collation of the folders recovered in October 2013 from Mr Mark's lodgings which contained shocking and graphic sexual comments on many pupils and former pupils causes us very grave concern. In assessing the totality of Mr Mark's conduct we have not the slightest hesitation in judging that this is a case of unacceptable professional conduct. He has failed in his duty to protect pupils, he has damaged public confidence in the profession and failed to uphold proper standards of conduct. By his sustained behaviour he has, unquestionably, damaged public trust in the collective reputation of the profession.

In the light of that decision we make no determination in relation to conduct that may bring the profession into disrepute as we were told by the Presenting Officer that she presented conduct that may bring the profession into disrepute as an alternative to unacceptable professional conduct.

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

This is a very serious case. Mr Mark has not engaged with the National College at all and has provided no response to the evidence disclosed in the case papers. He has offered no mitigation for his behaviour. He displays no appreciation of its immensely damaging effect on Pupil A and the distress he has caused to her immediate family.

We have no evidence that the teacher has any insight into the gravity of his conduct or the concerns others will have in relation to the contents of the folders. Those folders found at his home were compiled over many years and represent both a wholesale disregard for the welfare of the pupils about whom he made sexual comments and a betrayal of his professional duty towards them. His cultivation of Pupil A developed over many months and his collation of the photographs and sexually explicit notekeeping, in relation to numerous pupils, over nearly a decade. Extraordinarily, while this covert conduct continued Mr Mark appears to have been held in high regard at his school, enjoying professional advancement while at the same time behaving in a way that was totally incompatible with membership of the profession.

We judge that the following aggravating features are present in this case:-

- grave and fundamental breaches of the personal and professional conduct elements of the Teachers Standards;
- misconduct seriously affecting the education and wellbeing of Pupil A;
- a deep seated attitude leading to harmful behaviour;
- abuse of his position of trust;
- sexual motivation and deliberately sustained misconduct.

We conclude therefore that this is a case where a Prohibition Order should be imposed in the public interest and that there should be no review period. It is our view that only such an outcome would adequately reflect our public duty and, in particular, our duty to protect pupils and maintain confidence in the teaching profession.

## **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 in respect of sanction and review.

This is a very serious case. The panel has made a series of factual findings that also amount to unacceptable professional conduct.

In particular this case breaches the published Teachers Standards in relation to both personal and professional conduct. Mr Mark's behaviour towards Pupil A failed to observe the proper boundaries appropriate to his professional position and developed into an entirely inappropriate relationship which he clearly controlled. Mr Mark appears to have paid no regard for her wellbeing. He sent her abusive texts about the school and his professional colleagues. By his conduct Mr Mark created dissension within her family and, in particular, made abusive and wholly inappropriate comments about her mother. He seems to have totally ignored the family's wishes in a number of ways and involved Pupil A in illegal behaviour in relation to the driving lessons.

The collation of the folders recovered in October 2013 from Mr Mark's lodgings which contained shocking and graphic sexual comments on many pupils and former pupils are very serious indeed.

I have considered the conduct of Mr Mark against that set out in the published guidelines and it is clear that it is totally incompatible with membership of the teaching profession.

In particular the case features the following:-

- grave and fundamental breaches of the personal and professional conduct elements of the Teachers Standards;
- misconduct seriously affecting the education and wellbeing of Pupil A;
- a deep seated attitude leading to harmful behaviour;
- abuse of his position of trust;
- sexual motivation and deliberately sustained misconduct.

I have weighed the public interest alongside the interest of Mr Mark. I have also given careful consideration to the issue of proportionality. I support the recommendation of the panel that Mr Mark should be prohibited from teaching.

I have also given careful consideration to the matter of a review period. The recommendation of the panel is that there should be no review period. I have taken into account the fact that Mr Mark has offered no mitigation for his behaviour. He appears to have displayed no appreciation of its immensely damaging effect on Pupil A and the distress he has caused to her immediate family.

Similarly the panel have seen no evidence that Mr Mark has any insight into the gravity of his conduct or the concerns others will have in relation to the contents of the folders found at his home. These were compiled over many years and represent both a wholesale disregard for the welfare of the pupils about whom he made sexual comments and a betrayal of his professional duty towards them. His cultivation of Pupil A developed over many months and his collation of the photographs and sexually explicit note-keeping, in relation to numerous pupils, over nearly a decade.

I therefore believe that it is both proportionate and in the public interest for there to be no review period.

This means that Mr Tyrone Mark 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 Tyrone Mark 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 Tyrone Mark 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**

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

**Date: 10 July 2014**

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