



National College for  
Teaching & Leadership

# **Mr Robert Roskelly: Professional conduct panel outcome**

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

**February 2017**

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

**Teacher:** Mr Robert Roskelly

**Teacher ref number:** 0536563

**Teacher date of birth:** 20 January 1984

**NCTL case reference:** 13684

**Date of determination:** 20 February 2017

**Former employer:** Winstanley Community College, Leicester

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 20 February at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Robert Roskelly

The panel members were Mrs Kathy Thomson (teacher panellist); Mr Anthony Greenwood (lay panellist), Mr Phillip Riggon (teacher panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Ms Laura Hackney of Browne Jacobson LLP.

Mr Roskelly was not present but was represented by Mr Steven Williams of Forest Williams Ltd.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Proceedings dated 23 December 2016.

It was alleged that Mr Robert Roskelly was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst he was employed as a teacher at Winstanley Community College, Leicester and after leaving that school he:

1. Was Facebook friends with one or more students, including Pupils A and B
2. In summer 2013 he held fitness classes for a group of students on school premises, without permission, some of whom were topless
3. Spent time alone with Pupil B in his bedroom
4. Being present when Pupil A consumed drugs, including Viagra or similar stimulant
5. Slept over at Pupil A's House
6. Had Pupils A and C sleep overnight at his house
7. Gave Pupil C money on at least 2 occasions
8. Engaged in drug taking activities with Pupil C

Mr Roskelly has signed a Statement of Agreed Facts dated 19 October 2016 in which he admits the facts of the allegations against him and that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. However, he disputes the context of the allegations therefore this matter is proceeding as a disputed case.

## **C. Preliminary applications**

### Proceeding in absence

The panel has considered whether this hearing should continue in the absence of Mr Roskelly.

The panel is satisfied that the National College has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the “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 Roskelly.

The panel understands that its discretion to commence a hearing in the absence of Mr Roskelly 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 Roskelly 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. The panel is satisfied that Mr Roskelly is actually aware of the proceedings. The panel notes that the Notice of Proceedings was sent to an address that Mr Roskelly previously responded to; he has completed the Notice of Proceedings Response Form and signed and dated the Statement of Agreed Facts. Mr Roskelly indicated to the National College last week that he would not attend the hearing in person. The panel therefore considers that Mr Roskelly has waived his right to be present in person at the hearing in the knowledge of when and where the hearing is taking place. Mr Roskelly has however, instructed his representative to provide submissions on his behalf at this hearing.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place in a teacher’s absence. There is no indication that an adjournment might result in Mr Roskelly attending the hearing in person.

The panel has had regard to the extent of the disadvantage to Mr Roskelly not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of written representations provided by Mr Roskelly and may receive further submissions from his representative which will assist the panel in ascertaining the lines of defence. Neither party is calling any witnesses and therefore any documentary evidence in the bundle will be treated as hearsay evidence. The panel, which is experienced in such matters, can consider such points as are favourable to Mr Roskelly, as are reasonably available on the evidence. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of

risk of the panel reaching the wrong decision as a result of not having heard Mr Roskelly's account.

The panel has had regard to the seriousness of this case, and the potential consequences for Mr Roskelly and has accepted that fairness to him is of prime importance. However, it considers that in light of Mr Roskelly's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and having the benefit of Mr Roskelly's representative's submissions; 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 today.

#### Application for hearing to be heard in private

Mr Roskelly's representative submitted to the panel that it is Mr Roskelly's understanding that this matter is a hearing. The presenting officer submitted that it was suggested that this matter should be convened as a meeting and the National College made an impartial decision to hold this matter as a hearing instead. Mr Roskelly's representative submitted that Mr Roskelly is aware that the bundle of documents before the panel would be considered at today's hearing and he does not object to this matter proceeding as a hearing at this stage.

Mr Roskelly's representative made an application for this hearing to proceed in private.

The panel has therefore, considered whether to exercise its discretion under paragraph 11 of the Regulations and paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing.

The panel has determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the entire hearing.

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 has noted from the bundle that Mr Roskelly has referred to concerns arising from confidential matters [Redacted] relating to Mr Roskelly's personal circumstances which are why he should like this matter to proceed in private. Mr Roskelly's representative submitted that rumours about sexual innuendo that may arise from these allegations as a result of references to specific Facebook exchanges is another reason as to why this matter should proceed in private. The panel has balanced the reasons why Mr Roskelly has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel notes that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel has therefore, considered whether there are any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to Mr Roskelly's personal circumstances.

The presenting officer and legal advisor drew the panel's attention to paragraph 4.59 of the Procedures which state that where a panel holds a hearing in private, the panel will still announce in public its decision regarding whether the facts have been proven (stage 1) and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute (stage 2). The panel could understand why Mr Roskelly would consider that the allegations may give rise to some sexual innuendo however, excluding the public from the entire hearing is not in the public interest and would not prevent any potential sexual innuendo arising.

The panel therefore rejected Mr Roskelly's application for the entire hearing to be heard in private.

However, the panel considers that to the extent that it becomes necessary during the course of the hearing to discuss any confidential matters, the panel can consider, at that stage, whether to exclude the public from that portion of the hearing only.

## **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 1 to 5

Section 2: Notice of Proceedings and Response – pages 6 to 18

Section 3: National College's documents – pages 19 to 84

Section 5: Teacher documents – pages 85 to 88.

In addition, the panel were asked to admit two character statements, in the course of the hearing, by Mr Roskelly's representative. The presenting officer submitted she neither agreed nor objected to such character statements being put before the panel but asked the panel to determine whether such documents were relevant. The legal advisor drew the panel's attention to paragraph 4.18 which states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. Having read and considered the character statements, the panel decided not to

admit them over concerns that the statements were not dated and signed and if admitted the panel would place no weight upon them.

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

## **Witnesses**

As neither the presenting officer nor Mr Roskelly's representative called any witnesses, the panel heard no oral evidence.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Roskelly began working as a science teacher at Winstanley Community College ("the School") in August 2006. On 27 November 2012, the School received a complaint relating to Mr Roskelly being friends with pupils on Facebook. Mr Roskelly resigned during the School's disciplinary investigation in December 2014.

## **Findings of fact**

The panel's findings of fact are as follows:

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

### **Whilst employed as a teacher at Winstanley Community College, Leicester and after leaving that school you:**

#### **1. Were Facebook friends with one or more students, including Pupils A and B**

The panel noted from the Statement of Agreed Facts that Mr Roskelly admits he was told by the head teacher, of the School on or around 27 November 2012, that he should not be friends with any students or ex-students on Facebook.

The panel had regard to a record of the School's interview with Mr Roskelly on 5 November 2014 in which it is reflected that Mr Roskelly indicated that he had not continued to have students as friends on Facebook.

However, in the Statement of Agreed Facts, Mr Roskelly admits that after November 2012 he was Facebook friends with a number of people who had been pupils at the school, including Pupils A and B. Mr Roskelly also admits in the Statement of Agreed



Facts that he attended a meeting with the head teacher of the School on 11 April 2014 and was given a copy of a leaflet "Safer Working in Education Settings" which he was told he must follow. This leaflet reiterated that a teacher should not engage on social media with under 18s.

Further, Mr Roskelly admits that he had attended training sessions and a number of speakers had come into the school to explain the inappropriateness of having pupils and ex-pupils as friends on Facebook. The panel noted from Mr Roskelly's training record included in the bundle that he attended child protection training on at least two occasions between 2008 and 2012.

The panel has found this allegation proven.

## **2. In summer 2013 you held fitness classes for a group of students on school premises, without permission, some of whom were topless**

The panel noted from the Statement of Agreed Facts that Mr Roskelly admits that in summer 2013 he, along with a small group of males, including Pupil A and Pupil B attended the School during the summer holidays for fitness classes involving a DVD. Mr Roskelly admits that at least one of the pupils was topless on at least one occasion. This activity had not been planned or authorised by the head teacher.

The panel further noted from his written representations included in the bundle that Mr Roskelly indicated that the exercise video used during the exercise session was "Insanity" and he believed an ex-student imitated the people on screen in removing his shirt. Other people came to the School to participate in exercise sessions at various times throughout the holidays and on weekday evenings. He was never asked to stop using the facilities for exercise.

The panel has found this allegation proven based on Mr Roskelly's admission.

## **3. Spent time alone with Pupil B in his bedroom**

The panel noted from the Statement of Agreed Facts that Mr Roskelly admits he had been at Pupil B's home address with Pupil A and Pupil B. Mr Roskelly went to Pupil B as he had been taking a long time to get ready for football. Mr Roskelly further admits that Pupil A followed some time later and saw Mr Roskelly sat (sic) on the bed in the bedroom when Pupil B was standing on the floor dressed only in underpants.

The panel has found this allegation proven based on Mr Roskelly's admission.

## **4. Being present when Pupil A consumed drugs, including Viagra or similar stimulant**

In the Statement of Agreed Facts Mr Roskelly admits that Pupil A consumed drugs in his presence including Viagra or a similar stimulant.

The panel has found this allegation proven based on Mr Roskelly's admission.

## **5. Slept over at Pupil A's House**

The panel noted from the Statement of Agreed Facts that Mr Roskelly admits he slept overnight at Pupil A's house on at least two occasions. On one occasion Mr Roskelly had been in the house and it was late so he decided to stay over. Pupil A's mother was at the house at this time.

The Statement of Agreed Facts further states that on another occasion Mr Roskelly stayed at Pupil A's home when Pupil A's mother was not in the house as she had been taken to hospital. The panel noted from Mr Roskelly's written representations that there were three other people present at the time, but in the Statement of Agreed Facts Mr Roskelly admits that no other adult was present at the house at the time. The panel therefore inferred that Mr Roskelly had stayed with three children at Pupil A's house.

The panel has found this allegation proven.

#### **6. Had pupils A and C sleep overnight at your house**

The panel noted from the Statement of Agreed Facts that Mr Roskelly admits he met Pupil C, through Pupil C's cousin, who was an ex-pupil of the School. On at least one occasion Pupil A and Pupil C were at Mr Roskelly's house and stayed overnight.

The panel has found this allegation proven based on Mr Roskelly's admission.

#### **7. Gave Pupil C money on at least 2 occasions**

Mr Roskelly admits in the Statement of Agreed Facts that he gave Pupil C money on at least two occasions. On one occasion it was £80 and another it was £20 to enable Pupil A and Pupil C to go to the cinema. In addition, Mr Roskelly admits that he contributed money to purchase legal highs.

The panel has found this allegation proven based on Mr Roskelly's admission.

#### **8. Engaged in drug taking activities with Pupil C**

The Statement of Agreed Facts reflects Mr Roskelly's admission to having engaged in drug taking with Pupil C whilst Pupil C was 15 years old. These drugs included mephedrone and other legal highs.

The panel has found this allegation proven based on Mr Roskelly's admission.

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

Having found all of the allegations to have been proven, the panel has gone on to carefully consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

Mr Roskelly's representative submitted that Mr Roskelly accepts that his conduct amounts to unacceptable professional conduct and conduct which may bring the profession into disrepute and that a prohibition order should be made in his case.

The panel is satisfied that the conduct of Mr Roskelly in relation to the facts found proven relating to allegations 1 and 3 to 8 involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Roskelly 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 proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was neither satisfied that the conduct found proven in relation to allegation 2 involved a breach of the Teachers' Standards nor amounted to misconduct of a serious nature.

However, the panel is satisfied that the conduct of Mr Roskelly in relation to allegations 1 and 3 to 8 fell significantly short of the standards expected of the profession. Mr Roskelly was warned by his head teacher not to become friends with pupils or ex-pupils on Facebook and he did so nevertheless in contravention of a direct management instruction. Spending time alone with pupils either in their bedroom or at his own home was inappropriate. Finally, engaging in drug taking with Pupil C, and being present when Pupil A took drugs/legal highs such that Pupil A was taken ill as a consequence, was far below the standards expected of teachers. The panel considered that Mr Roskelly's behaviour was in direct contravention of updated guidance issued by Leicestershire County Council which the head teacher of the School provided to Mr Roskelly.

The panel has also considered whether Mr Roskelly's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel has found that none of the behaviours associated with these offences arise in relation to these allegations.

The panel notes that some of the allegations took place outside of the education setting. The panel considers that such conduct affects the way Mr Roskelly fulfils his teaching role or may lead to pupils being exposed to, or influenced by, the behaviour in a harmful way, as his behaviour may inappropriately suggest to pupils that drug taking or consuming legal highs or being alone with a teacher when at home is appropriate.

Accordingly, the panel is satisfied that Mr Roskelly 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 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 findings of misconduct in relation to allegations 1 and 3 to 8 are serious and the conduct displayed would certainly have a negative impact on Mr Roskelly's status as a teacher, potentially damaging the public perception. The panel noted that Mr Roskelly's being in a bedroom with a pupil on his own led to a complaint from a member of the public. Accordingly, the panel therefore finds that Mr Roskelly's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 3 to 8 proved, the panel further finds that Mr Roskelly's conduct relating to these allegations amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it 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.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of drug taking with pupils and inappropriate communication with pupils/former pupils of the School on Facebook.

The panel considers that public confidence in the profession could be severely weakened if conduct such as that found against Mr Roskelly 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 Roskelly was outside that which could reasonably be tolerated.

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

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 Roskelly. 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

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.

The panel considered there was no evidence to suggest that Mr Roskelly's actions were anything other than deliberate. There was no evidence to suggest that Mr Roskelly was acting under duress. He was of previous good history and the panel has seen no evidence that indicates that Mr Roskelly was previously subject to disciplinary proceedings. However, the panel noted that Mr Roskelly had received more than one warning from his head teacher. The presenting officer submitted that there are no previous disciplinary orders relating to Mr Roskelly.

The panel notes that there is no character evidence included in the bundle of documents that Mr Roskelly received prior to today's hearing. The panel was asked to admit two character statements in the course of the hearing, however as referred to above, the panel decided not to admit them over concerns that the statements were not dated and signed and if admitted the panel would place no weight upon them.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity prohibition may have on Mr Roskelly. The panel noted from his representative's submissions that Mr Roskelly has been working in a profession outside of teaching since these allegations came to light.

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 Roskelly. His breaching of direct management instructions to continue being friends with pupils and ex-pupils on Facebook, and undertaking drug taking activities with pupils was a significant factor in forming that opinion. 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 it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice indicates 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 on page 12 that there are behaviours that, if proven, would militate against a review period being recommended. The panel found that none of these behaviours were relevant.

The panel noted from his written representations that Mr Roskelly regretted his decisions which he had made over a four to six week period. He states that he became involved with a group of people which led to him becoming involved in taking legal highs and this led to, "poor decisions" and, "poor choices" relating to drug use. He was aged under 30 at the time and his representative submitted that his actions were immature and he did not realise the significance of them at the time. Further in his written representations Mr Roskelly states that he understands that he has, "broken" professional standards and that he does not believe he will remain on the teaching register. He further states that he

will have to live with the fact that, “having been able to make a difference in the lives of young people and been an excellent role model prior to this, both in and out of school, he will not have the opportunity to do so in the future which is something [he finds] deeply disappointing”. Mr Roskelly further indicates in his written representations that he has been honest about the decisions he made and his part in taking legal highs and he is, “deeply disappointed” with his choices and conduct. As a result, Mr Roskelly states that he is undertaking further training and trying to make amends for the poor choices he has made. However, the panel noted that Mr Roskelly has provided no further details of the training he is receiving. Mr Roskelly’s representative submitted that Mr Roskelly apologises for his conduct and that he would like the opportunity to apply to return to the profession at some later stage albeit he does not currently desire to work in the teaching profession.

The panel noted Mr Roskelly’s apologies for his conduct. However, the panel was not convinced that Mr Roskelly had shown sufficient insight into how far below the accepted standards his behaviour fell. Being present when pupils were taking drugs or legal highs and participating in drug taking is extremely serious. The lack of contemporaneous character evidence or evidence of the steps Mr Roskelly may have taken since these allegations came to light, causes the panel concern. The panel found that Mr Roskelly did not demonstrate that he had developed appropriate insight to ensure that similar conduct would not be repeated in the future.

Therefore the panel is of the view that it would not be appropriate to recommend a review period 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 very careful consideration to this case and to the recommendation made by the panel in respect of both sanction and review period. The panel has found all of the allegations proven, however in relation to the facts of particulars 1 and 3 to 8 the panel finds that Mr Roskelly’s conduct relating to these allegations amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute. I am aware that the panel was neither satisfied that the conduct found proven in relation to allegation 2 involved a breach of the Teachers’ Standards nor amounted to misconduct of a serious nature.

The panel considers that Mr Roskelly 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 proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has gone on to take into account the Advice published by the Secretary of State. That advice 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

I have taken into account the guidance published by the Secretary of State. I have also taken into account the need to be proportionate and to balance the interests of the teacher with the interests of the public. 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 that there is a strong public interest consideration in respect of the protection of pupils given the serious findings of drug taking with pupils, and inappropriate communication with pupils/former pupils of the School on Facebook.

I also agree with the panel that there is a strong public interest consideration in declaring proper standards of conduct in the profession, and that the conduct found against Mr Roskelly was outside that which could reasonably be tolerated. The panel has decided that the public interest considerations outweigh the interests of Mr Roskelly. I agree with the panel's view. The panel has recommended that prohibition is both appropriate and proportionate in this case. It is clear to me that Mr Roskelly, in his breaching of direct management instructions with regards to Facebook, and undertaking drug taking activities with pupils, that this was a significant factor in forming that opinion.

I have taken into account the mitigating factors considered by the panel. I have considered the panel's view that there was no evidence to suggest that Mr Roskelly's actions were anything other than deliberate. There was no evidence to suggest that Mr



Roskelly was acting under duress. I am aware the panel noted that Mr Roskelly had received more than one warning from his head teacher, although there are no previous disciplinary orders relating to Mr Roskelly.

In conclusion, I agree with the panel that prohibition is both proportionate and appropriate.

I now turn to the matter of a review period. I have taken into account the Advice which indicates that there are behaviours that, if proven, would militate against a review period being allowed. The panel found that none of these behaviours were relevant.

Although no such behaviours were present in this case, being present when pupils were taking drugs or legal highs and participating in drug taking is extremely serious.

I have considered carefully that the panel found that Mr Roskelly did not demonstrate that he had developed appropriate insight to ensure that similar conduct would not be repeated in the future.

From the thorough description above, I have carefully considered the panel's considerations of Mr Roskelly's written representations, in that he regretted his decisions which he had made over a four to six week period, and the "poor decisions" and "poor choices" relating to drug use.

I have noted carefully the deliberations of the panel in considering Mr Roskelly's apologies for his conduct. However, I agree with the panel when they state that they were not convinced that Mr Roskelly had shown sufficient insight into how far below the accepted standards his behaviour fell.

The panel is of the view that it would not be appropriate to recommend a review period 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.

Having considered the panel's recommendation, and for the reasons set out above, I agree with the panel's conclusion.

**This means that Mr Robert Roskelly 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 Roskelly 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 Roskelly 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: 27 February 2017**

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