



National College for  
Teaching & Leadership

# **Mr Timothy Richardson: Professional conduct panel outcome**

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

**February 2016**

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

**Teacher:** Mr Timothy Richardson  
**Teacher ref number:** 0338104  
**Teacher date of birth:** 15 June 1981  
**NCTL case reference:** 12715  
**Date of determination:** 16 February 2016  
**Former employer:** Malton School, North Yorkshire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 15 to 16 February 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Timothy Richardson.

The panel members were Mrs Alison Walsh (teacher panellist – in the chair), Mr Michael Lewis (teacher panellist) and Mr Martin Greenslade (lay panellist).

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

The presenting officer for the National College was Ms Rebekah Hummerstone of 2 Hare Court.

Mr Richardson was not present and was not represented at the hearing.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 October 2015.

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

1. He failed to maintain appropriate professional boundaries in around 2006, in relation to Student A he:
  - i. entered into a relationship with her;
  - ii. engaged in sexual activity with Student A on one or more occasions.
2. He failed to declare the nature of his relationship with Student A when questioned by his employer.
3. He fraudulently produced letters purported to be from South Tees Hospitals NHS Foundation Trust to account for his absences on one or more occasions including letters dated:
  - a. 21 October 2013;
  - b. 20 November 2013.
4. He attempted to mislead the School about the reasons for his absences on one or more occasions including his absence on:
  - a. 21 October 2013;
  - b. 20 November 2013;
  - c. 4 April 2014.
5. His actions as set out in paragraph 1 above were sexually motivated.
6. His actions as set out in paragraphs 2 and/or 3 and/or 4 above were dishonest.

The Notice of Proceedings form indicates that Mr Richardson neither admits the facts of these allegations nor that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. This case is therefore proceeding as a disputed case.

## Preliminary applications

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

The panel is satisfied that the National College has complied with the service requirements of regulations 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 the teacher.

The panel understands that its discretion to commence a hearing in the absence of the teacher 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 Richardson 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 AC 1. The panel considered that service of the Notice of Proceedings dated 5 October 2015 has been effective, as it was sent to Mr Richardson's last known address and provided more than 8 weeks notice of the hearing date.

The presenting officer confirmed that the National College has advised her that Mr Richardson has indicated through his representative that he is not attending the hearing today. His representative emailed the National College on 13 January 2016 to indicate that he would not be attending the hearing and he would not be represented and no witnesses would appear on his behalf. The presenting officer considers that Mr Richardson is clearly aware of the date of this hearing and has engaged in these proceedings until now. The panel also noted that it has received written representations from Mr Richardson (albeit unsigned). The panel is therefore satisfied that Mr Richardson is actually aware of the proceedings.

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 without a teacher present. However, as there is no indication in the written documents that an adjournment might result in Mr Richardson attending the hearing, the panel considers that Mr Richardson has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the extent of the disadvantage to Mr Richardson in not being able to give his account of events, in the light of the evidence against him. The

panel has the benefit of representations made by Mr Richardson and is able to ascertain lines of defence. The panel has Mr Richardson's written comments addressing mitigation and is able to take this into account at the relevant stage.

The panel has noted that all witnesses relied upon by the National College are to be called to give oral evidence. The panel can test that evidence in questioning those witnesses, considering such points favourable to Mr Richardson, that are reasonably available on the evidence. If the panel identify any significant gaps in the documentary evidence provided to it, it will address these during the course of the hearing. The panel may take this into account when considering whether the hearing should be adjourned for 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 reaching the wrong decision as a result of not having heard Mr Richardson's account.

The panel also noted that three witnesses including a vulnerable witness were present at the hearing, who were prepared to give evidence, and that it could be inconvenient and distressing for them to return again.

The panel has had regard to the seriousness of the case, and the potential consequences for Mr Richardson. The panel understands that fairness is of prime importance. These are serious allegations and it is in the public interest that this hearing should proceed today.

## **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 3

Section 2: Notice of Proceedings and Response – pages 4 to 10

Section 3: National College witness statements – pages 11 to 26

Section 4: National College documents – pages 27 to 53

Section 5: Teacher documents – pages 54 to 78

In addition, the panel requested an additional document namely a letter of concern from the school to Mr Richardson dated 16 December 2010. This was paginated as page 79.

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 on behalf of the National College:

- Student A (also referred to in many of the documents as Pupil A)
- Witness A (the headteacher of the Malton School) (“the School”) and
- Witness B (personal assistant to the headteacher of the School).

No witnesses appeared on behalf of Mr Richardson.

## 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 Richardson was employed at the school as a newly qualified teacher of history from 1 September 2004. In 2012, Mr Richardson was promoted to the position of head of upper school. On 21 October 2013 and 20 November 2013 Mr Richardson was absent from school and produced inaccurate hospital letters to prove his absence. The school commenced an investigation in 2014 in relation to unexplained absences. Prior to the disciplinary hearing which was due to take place on 21 July 2014, Mr Richardson resigned. His resignation was accepted by the School. Due to concerns over his honesty, the headteacher decided it might be appropriate to review a prior investigation from 2010 in which allegations of inappropriate relationships with pupils were considered.

## Findings of fact

Our findings of fact are as follows:

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

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Malton School:**

- 1. You failed to maintain appropriate professional boundaries in around 2006, in relation to Student A you:**
  - i. entered into a relationship with her,**

In her oral evidence, Student A stated that Mr Richardson joined the School in September 2004 as a newly qualified teacher and he became a colleague and friend of her mother (who also taught at the School) and her family. Mr Richardson never taught Student A directly. Student A confirmed that she formed a friendship with Mr Richardson and helped assist in Mr Richardson's history class in 2004/05.

Further in her oral evidence, Student A stated that over time her relationship with Mr Richardson developed into a relationship of boyfriend and girlfriend and this happened during her time at the School. During the course of that relationship, Student A said that she stayed with Mr Richardson at his address in Scarborough. She also stated that sometimes they would have meals together and would walk on the beach together.

The relationship between Student A and Mr Richardson was not known about widely and was, in a way, "secret". Student A considered that it was private, between her and Mr Richardson. There were certain people that Student A had told but she agreed with Mr Richardson that she should not tell others.

Some of her friends at work (Morrisons) knew about the relationship as Mr Richardson visited her there. However both Mr Richardson and Student A were discreet about the relationship. She confirmed that when they went out together sometimes they were seen by other people or staff from school and on one occasion, she recalls Mr Richardson saying "oh crap, there's someone from school" and told her to walk further away from him. Student A could not recall if Mr Richardson said if others knew that this would have an impact on his career.

Student A became suspicious of Mr Richardson during their relationship as she never met any of his friends or family. Student A stated that Mr Richardson would say that he did not get on well with his parents as he was "shipped off" to boarding school at the age of 8. He also said that he did not have any friends as he had not lived at home due to attending boarding school. Student A now considers Mr Richardson to have lied to her. Student A said they never socialised with his friends, only with each other or Student A's family.

Further in her oral evidence, Student A stated that her parents began to realise that there was something more than friendship between her and Mr Richardson. When Student A's mother said to her "Do you know what you are doing? Just be careful", Student A knew that her mother had worked out what was going on. Student A freely admitted she had lied to her parents on several occasions about where she was when she had gone round to Mr Richardson's house.

Student A further recalled that after she left the School in summer 2006, she attended various holidays with Mr Richardson, and the relationship carried on initially when Student A went to University in September 2006. However, the relationship broke down at Christmas 2006.

The panel questioned Student A, about her mother's reference, in the minutes of her mother's interview with the School in 2010, included in the bundle, to Mr Richardson and herself having a "fling" in the summer of 2006. Student A's evidence was that at that



time, this is what her mother genuinely believed i.e. that the relationship started after Student A left school. Her mother only found out in 2014 that the relationship had become intimate well before summer 2006, whilst Student A was still a pupil of the School.

In his written representations to the National College, Mr Richardson stated that the relationship started during a camping trip in July 2006. Student A indicated that this was not correct.

In October 2014, Student A attended an interview with the local authority designated officer (“LADO”) and the School. A summary of the interview is included in the bundle. In the record of this interview, Student A indicated that she had concerns about a male member of staff (Mr Richardson). Student A did not wish to get into trouble. She “hated” the fact that Mr Richardson’s conduct has not been investigated and she considered he should not be allowed to teach.

In her opening statement, the presenting officer submitted that owing to concerns over his credibility in relation to the facts set out at allegations 3 and 4, the School decided to re-open an investigation undertaken in 2010 in relation to an allegation of an inappropriate relationship with one or more pupils (which included Student A).

Witness A confirmed in his oral evidence that back in 2010 issues had been raised about Mr Richardson’s credibility and integrity. At that time, Mr Richardson’s account had been plausible and the School had been unable to contact the alleged victim(s). At that time, Mr Richardson admitted that he had had a relationship with two pupils within a year of those pupils leaving the School’s sixth form. He denied that any relationship started whilst any former pupil was still a pupil of the School. Following the School’s investigation in 2010, Mr Richardson received a letter of concern from the headteacher which stated that no sexual relationship be formed between a member of staff and any student of the School or any former student prior to their 19<sup>th</sup> birthday.

In her closing submissions, the presenting officer invited the panel to consider whether Mr Richardson commenced a relationship with Student A in her final year of school, year 13.

The panel found that Mr Richardson’s account, in his written representations, conflicted with that of Student A’s in that he says the relationship started during a camping trip after she had left the School.

The panel considered that Student A was a credible and convincing witness. It was clear that she genuinely cared for Mr Richardson and was clearly distressed in giving some of her evidence.

Taking all the evidence into account, the panel found this allegation proven on the balance of probabilities.

**ii. engaged in sexual activity with Student A on one or more occasions;**

Although in her oral evidence, Student A could not recall exactly how or when the relationship with Mr Richardson started, she did recall that she passed her driving test on 2 March 2006, a month before her 18<sup>th</sup> birthday in April 2006. When she undertook her first driving test in December 2005 she remembers that at that time she and Mr Richardson were already in a sexual relationship. This was during the early part of her second year of sixth form.

In his written representations, Mr Richardson denies any inappropriate or sexual relationship with Student A whilst she was a pupil at the School. Mr Richardson, in his statement of 9 January 2016, relies on the investigatory interview of Student A's mother in 2010, in which she states that she was aware of the relationship and it was for a brief period of time. Student A's mother may have stated that the relationship took place in summer 2006; however the panel accepted Student A's evidence that her mother did not know the full truth at the time.

The presenting officer submitted that, on the balance of probabilities, it is more likely than not that Mr Richardson was in a sexual relationship with Student A whilst she was at School. Therefore, it is the presenting officer's submission that it follows that allegation 2 is proven.

During the investigation meeting with the School in 2010, in response to a direct question from the headteacher, Mr Richardson flatly denied having being in a relationship with Student A whilst she was at the School. However, the panel preferred the written evidence and oral testimony of Student A. This allegation is therefore found proven.

## **2. You failed to declare the nature of your relationship with Student A when questioned by your employer;**

The panel noted from the record of the various investigation meetings included in the bundle that Mr Richardson was directly asked by Witness A whether he had a relationship with Student A whilst she was a pupil of the School. Mr Richardson denied a relationship. He did say that he knew Student A outside of school, met her socially and that he was friendly with her parents.

The panel found that Mr Richardson's explanations for the nature of his relationship with Student A changed upon each occasion that he was interviewed by the School or in each written representation he has provided to the National College. In his written representations, Mr Richardson denies that he entered into an inappropriate relationship with Student A whilst she was a student at the School. In his further written statement to the National College he states that the relationship did not start during the academic year 2005/06. In this same statement, Mr Richardson goes on to state that he initiated a discussion with her parents prior to Student A's exams in Summer 2006. Mr Richardson agreed that their relationship could not develop until after she had left the School. It is clear that Student A's parents were aware, from his behaviour, that Mr Richardson intended to form a relationship with Student A and this intention formed whilst she was a pupil of the School. The panel found Mr Richardson's changing account to be evidence of him being less credible compared to the consistent account of Student A.

The panel therefore found this allegation proven on the balance of probabilities.

**3. You fraudulently produced letters purported to be from South Tees Hospitals NHS Foundation Trust to account for your absences on one or more occasions including letters dated:**

**a. 21 October 2013,**

**b. 20 November 2013.**

In his witness statement, Witness A stated that during 2013/14 academic year, his personal assistant, Witness B raised concerns regarding Mr Richardson's absences from work. Witness B confirmed that in her role she records staff absence and arranges cover.

Witness B was concerned that Mr Richardson had claimed to need time off to attend hospital appointments but had failed to provide any hospital letters as evidence of those appointments despite these being requested. Witness B explained that if a member of staff has a hospital appointment they usually show the original letter to Witness B so that she can record the reason for the absence from school. A list of the staff absences arranged by Witness B in relation to Mr Richardson is included in the bundle. The reference to 21 October 2013 related to sickness absence all day and the reference to 20 November 2013, indicates that Mr Richardson was absent for a hospital appointment in the afternoon.

In her oral evidence and witness statement, Witness B stated that she informed Witness A that she was concerned that Mr Richardson had not been completely honest about his absences and that he had failed to provide to her hospital letters for his hospital appointments. Initially, Mr Richardson told Witness B that he could not find the original hospital letters so she suggested that he telephone the hospital to ask for duplicate letters. Later, Mr Richardson advised Witness B that he did not have the original hospital letters but he did have appointment cards. Witness B believed that Mr Richardson was making up excuses. Witness A also asked Mr Richardson to bring in documentation to support his absences as evidence that he attended hospital appointments.

In May 2014 Mr Richardson produced two photocopied letters to Witness B purporting to be hospital letters relating to appointments on 21 October 2013 and 20 November 2013. Witness B was suspicious about the content of the letters as they did not contain a hospital reference number. In his witness statement, Witness A indicated that he contacted the South Tees Hospitals NHS Foundation Trust in June 2014 and spoke to the team leader in the Department of Neuroscience who confirmed that the name and telephone number for the department had changed. Witness A could see that an incorrect name for the department had been included in the letters provided by Mr Richardson. The information received by Witness A from the Trust confirmed to him that the letters that Mr Richardson had provided to Witness B were forged.

During an investigatory meeting on 4 July 2014, Mr Richardson admitted that he had provided the School with "replacement" hospital letters which were not the originals.

When asked why he had forged the letters, Mr Richardson stated that he did so to show where he had been.

The presenting officer submits that in Mr Richardson's written representations, he accepts the entirety of allegation 3. Mr Richardson admits that no such letters were received from the hospital nor were any appointments made.

Mr Richardson admitted in the meeting of 4 July 2014 with the School that the letters were "not real letters", an acceptance of the fact that those letters had been forged. The panel found that Mr Richardson had fraudulently presented them to the School to account for his absences on 21 October and 20 November 2013 respectively. Therefore the panel found this allegation proven.

**4. You attempted to mislead the School about the reasons for your absences on one or more occasions including your absences on:**

**a. 21 October 2013,**

**b. 20 November 2013,**

Witness B confirmed in her oral evidence that not all staff always provided documentary evidence of doctor or hospital appointments. Most staff do provide documentation as they feel guilty about being off work but not all do so without fail. It was not a unique event for a teacher to forget one piece of documentary evidence relating to their absence. However, Witness B considered there were a number of instances of absence which were undocumented for Mr Richardson. This triggered a cause for concern for Witness B.

Following Mr Richardson's resignation in 2014, Witness A came to the conclusion that Mr Richardson had produced fraudulent, forged documents in respect of 2 days absence. In oral evidence, Witness A stated that despite being warned of the seriousness of this and of the breach of trust between Mr Richardson and his employer, and being given another opportunity to clarify the position, he did not supply satisfactory written evidence to account for his absence.

The presenting officer further submitted that if allegation 3 is proven, it may follow that the panel should conclude that the purpose of providing false documentation relating to his absences on 21 October and 20 November 2013 was to mislead his employer. The panel concurred with this view.

The panel therefore found allegations 4a and 4b proven.

**c. 4 April 2014**

In her opening submissions, the presenting officer stated that Mr Richardson had sent an email to Witness B on 3 April 2014 to state that he had had a headache for the last 2 days and that he should go to the doctors and get it checked out. He indicated that he had an appointment the next day at ten. The presenting officer further submitted that Mr Richardson sent a second email to confirm that he was not well enough to attend school

that day. Witness B indicated in her oral evidence that she became suspicious. As a result of Mr Richardson's absence that day, Witness B arranged cover for Mr Richardson's class on 4 April 2014.

Witness A confirmed in his oral evidence that he received an email dated 7 July 2014 from Mrs Richardson, Mr Richardson's wife. This stated that an emergency hospital appointment took place in relation to her pregnancy on 4 April 2014 as a result of reduced movement of her baby. Included in the bundle was an email from Mr Richardson dated 7 July 2014 to Witness A which confirmed the same information.

The panel noted from the minutes of the second investigatory meeting with Witness A, that Mr Richardson had stated that his absences were caused by needing to attend appointments with his wife as the "baby came first". He explained that he had foregone his own hospital appointments for the headaches that he had been suffering.

Witness A confirmed in oral evidence that he rang the headteacher of the school at which Mr Richardson's wife worked who confirmed that Mrs Richardson had been absent for a 20 week scan on 11 February 2014 and also confirmed that she had not been absent on 4 April 2014.

Witness A became convinced that Mr Richardson had lied in his account of events at the second investigatory meeting at least in respect of 4 April 2014.

The presenting officer submits that in his written representations, Mr Richardson accepts the entirety of allegation 3. The presenting officer also submitted that Mr Richardson claiming to suffer from a bad headache and then later explaining his absence on 4 April 2014 as attending appointments with his wife relating to his unborn child, was implausible. The panel agreed with the presenting officer's submissions. The panel considered that Mr Richardson's changing account of the reasons for his absence on 4 April was intended to mislead the School. The panel therefore found allegation 4c proven.

#### **5. Your actions as set out in paragraph 1 above were sexually motivated;**

The panel was advised by the legal advisor that the first question the panel needs to ask itself is whether reasonable persons would think the facts found proven against Mr Richardson could be sexual i.e. an objective test. If so, the panel would then need to go on to ask itself a second question: whether, in all the circumstances of the conduct in the case, Mr Richardson's purpose towards Student A was sexual, i.e. the subjective test.

For all the reasons set out in the panel's findings relating to allegation 1(i) and 1(ii) in particular, the panel has found that sexual activity between Mr Richardson and Student A took place whilst she was still a pupil of the School in the academic year 2005/06. The panel considered that a reasonable person would believe that the conduct found proven was sexual, and that Mr Richardson's behaviour towards Student A was sexual. The panel therefore found both the objective and subjective test was met.

It therefore follows that the panel find that Mr Richardson's behaviour towards Student A, in forming an inappropriate and then sexual relationship with Student A, was sexually motivated. Therefore this allegation is found proven.

**6. Your actions as set out in paragraphs 2 and/or 3 and/or 4 above were dishonest.**

The panel were advised by the legal advisor that the case of R v Ghosh set out the relevant test for dishonesty. The first question the panel must ask itself is, were Mr Richardson's actions dishonest by the standards of reasonable and honest teachers (the objective test). If the panel consider that his actions were dishonest by those standards then, and only then, must the panel ask themselves the second stage of the test, i.e. the subjective test. The panel has to consider whether Mr Richardson must have known that what he did was dishonest by those standards, although a person should not escape a finding of dishonesty because he sets his own standards of dishonesty.

The panel found the objective test established under R v Ghosh was met. A reasonable teacher would consider that Mr Richardson's changing account for his various absences from school and failure to inform Witness A of the true nature of his relationship with Student A was dishonest.

The panel also considered that Mr Richardson was subjectively aware that his conduct in relation to failing to declare the nature of his relationship with Student A when questioned by his employer, fraudulently producing letters relating to alleged hospital appointments and attempting to mislead the school about the reasons for his absence, was dishonest. There was ample evidence of a course of conduct which convinced the panel that he was aware his actions were dishonest.

The panel therefore found Mr Richardson's conduct in relation to the facts set out at allegations 2, 3 and 4 was dishonest.

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

Having found all the allegations to have been proven, the panel has gone on to 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".

The panel is satisfied that the conduct of Mr Richardson in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Richardson 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Richardson fell significantly short of the standards expected of the profession in that he formed an inappropriate sexual relationship with a pupil. The panel also found that the production of fraudulent documentation to support unexplained absences, also fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Richardson's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel considered the behaviours of Mr Richardson can be associated with the offences of fraud or serious dishonesty and sexual activity. 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.

Accordingly, the panel is satisfied that Mr Richardson 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 presenting officer submitted that Mr Richardson was in a position of trust and the public should expect to have full confidence in his honesty and integrity and his conduct would in fact bring the profession into disrepute. The panel accepted this submission.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on Mr Richardson's status as a teacher, potentially damaging the public perception. The public is right to expect that teachers are open and honest. Mr Richardson failed to meet this expectation in relation to accounting for his absences from school. The public also has a right to expect teachers to respect appropriate professional boundaries in their relationships with their pupils. Mr Richardson failed to do so.

The panel therefore finds that Mr Richardson's actions constitute 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.

In light of the panel's findings against Mr Richardson, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with Student A whilst she was a pupil at the School.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Richardson 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 Richardson was outside that which could reasonably be tolerated.

Notwithstanding the 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 Richardson.

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 Richardson. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;



- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- sexual misconduct, eg 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;

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.

In light of the panel's findings, the panel concluded that Mr Richardson's actions were deliberate and there was no evidence that he was acting under duress.

The presenting officer submitted that Mr Richardson has not previously been subject to formal disciplinary proceedings or warnings.

There is limited evidence in the bundle which sets out Mr Richardson's record as a teacher. However, the panel noted Witness A's oral evidence that Mr Richardson was a good subject teacher, and he would have had a very "bright" teaching career ahead of him.

Mr Richardson himself submits in his statement of 9 January 2016, that he wishes to have the option of returning to teaching, he misses teaching and the camaraderie with staff. He also commented that his current salary is not as good as what he enjoyed as a teacher. He feels he is a good teacher, had a lot to offer the School and he also met his performance management targets.

The panel has decided that the public interest considerations outweigh the interests of Mr Richardson. His failure to observe appropriate pupil/teacher professional boundaries and the breach of trust this entailed were significant factors in forming that opinion. Accordingly, the panel considers it is reasonable and proportionate to make a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply

to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. Some of these behaviours include fraud or serious dishonesty and serious sexual misconduct, eg 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 Richardson influenced Student A to enter into an inappropriate sexual relationship with him. The panel take the view that relationships of this nature have the potential to be seriously harmful. Mr Richardson also demonstrated misleading behaviour in deliberately providing fraudulent documentation to the School, albeit the panel acknowledged this was at the lower end of the possible spectrum.

In his statement of 9 January 2016, Mr Richardson states that he regrets that his behaviour had had a detrimental impact on certain individuals, the School, his personal life and career. The panel were concerned that Mr Richardson has shown no insight into the unacceptability of his conduct, its potential to cause harm, and its concomitant breach of trust. The panel were not satisfied that Mr Richardson has demonstrated that he would not repeat similar behaviours in the future.

The majority view of the panel was that this is a situation in which a review period would not be appropriate. The panel therefore 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 of the panel in this case. The panel has found all the allegations proven and judge that the facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Richardson formed an inappropriate sexual relationship with a pupil, and produced fraudulent documentation to support unexplained absences from school. I agree with the panel's opinion that the behaviours of Mr Richardson can be associated with sexual activity and fraud or serious dishonesty, and demonstrates conduct falling significantly short of the standards expected of the profession.

I have noted the strong public interest considerations in this case. The panel has taken into account how the teaching profession is viewed by others, and the uniquely influential role that teachers hold in pupils' lives. Mr Richardson was in a position of trust and the public should expect to have full confidence in his honesty and integrity. I agree with the

panel's view that the public has a right to expect teachers to respect appropriate professional boundaries in their relationships with pupils. Mr Richardson failed to do this.

There was no evidence to suggest that Mr Richardson's actions were not deliberate, nor that he was acting under duress. I note the panel balanced the public interest considerations against the interests of Mr Richardson in this case. Mr Richardson failed to observe appropriate pupil/teacher boundaries and breached trust. For these reasons, I agree that prohibition is both proportionate and appropriate, and that the public interest considerations outweigh the interests of Mr Richardson.

I now turn to the matter of a review period. Mr Richardson influenced a student into an inappropriate sexual relationship with him. I agree with the panel that relationships of this nature have the potential to be seriously harmful. Mr Richardson also demonstrated misleading behaviour in relation to the fraudulent documentation. I note that the panel were concerned that Mr Richardson has shown no insight into the unacceptability of his conduct, nor were the panel satisfied that Mr Richardson has demonstrated he would not repeat similar behaviours in the future.

I therefore agree with the panel, that the prohibition order be recommended without provision for a review period.

**This means that Mr Timothy Richardson 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 Richardson 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 Richardson 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.



**Decision maker: Alan Meyrick**

**Date: 19 February 2016**

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