



National College for
Teaching & Leadership

Ross Patrick Clark: Professional Conduct Panel outcome

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

February 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	11

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

Teacher: Mr Ross Patrick Clark

Teacher ref no: 0252398

Teacher date of birth: 21/08/1975

NCTL Case ref no: 0012130

Date of Determination: 13 February 2015

Former employer: Prince William School

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 13 February 2015 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Ross Patrick Clark.

The panel members were Sharon Gimson (Lay Panellist – in the Chair), Mike Carter (Teacher Panellist) and Tony Woodward (Teacher Panellist).

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

Neither the presenting officer for the National College nor Mr Ross Patrick Clark were present. Mr Clark was not represented either.

The meeting took place in private and was not recorded, save for the public announcement of the panel’s decision on the facts and whether the facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, which was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 21 January 2015, as set out below.

It was alleged that Mr Ross Patrick Clark was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed at Prince William School, Oundle (the “School”) he failed to maintain proper professional boundaries in that he:

1. Engaged in inappropriate email communication with Pupil A, including emails dated:
 - a. 11 November 2013,
 - b. 1 February 2014,
 - c. 9 February 2014,
 - d. 13 February 2014,
 - e. 14 March 2014.
2. By his emails referred to at 1 above he;
 - a. Told Pupil A that he had fallen in love with her,
 - b. Failed to discourage Pupil A from keeping secrets about the nature of his communications.
 - c. Confided in Pupil A inappropriate details about his personal life;
3. On around June 2014 he delivered to Pupil A’s home:
 - a. A handwritten letter addressed to Pupil A,
 - b. A gift in the form of a cheque and/or cash in the sum of £500.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

In advance of the meeting, the panel received a bundle of documents which included:

Section 1:	Chronology and Anonymised Pupil List	Pages 2 – 3
Section 2:	Notice of Referral, response and notice of meeting	Pages 4 – 10c
Section 3:	Statement of Agreed Facts and Presenting Officer Representations	Pages 11 – 19
Section 4:	National College for Teaching and Leadership Documents	Pages 20 – 46
Section 5:	Teacher Documents	Pages 47 - 51

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

Witnesses

As this was listed as a Meeting, the panel heard no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel has read all the documents provided in the bundle in advance of the meeting.

In September 2006, Mr Clark commenced employment at Prince William School as an English teacher. It is alleged that around November 2013 to April 2014 Mr Clark engaged in communications with Pupil A which were of an inappropriate nature. Mr Clark resigned from the School on 10 February 2014 following health concerns.

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:

- 1. Engaged in inappropriate email communication with Pupil A, including emails dated:**
 - a. 11 November 2013,**

The panel had regard to the email in the bundle of documents dated 11 November 2013. In the course of this email correspondence Mr Clark made several personal remarks including that he had this “stupid wish to put things right. An antique feeling to do with my mum that I won’t bore you with”. The panel considered that it did not have the whole context in which this email conversation took place, however it considered the tone of this email correspondence and personal references made within the email were not those expected of a teacher in communication with a pupil. The Statement of Agreed Facts indicates that Mr Clark accepts that he disclosed inappropriate details about his personal life. The panel was of the view that this email contained information that was clearly “inappropriate” that should not have been disclosed to a pupil. Therefore the panel found this allegation proven.

b. 1 February 2014,

From the bundle of documents it appeared that Mr Clark had emailed Pupil A after she had enquired by email as to his long term absence from school. In his response of 1 February 2014, Mr Clark made a number of personal references which crossed the boundaries of appropriate professional conduct. For example, Mr Clark had indicated that he had a “feeling that he wanted to escape, run away”. Therefore the panel found this allegation proven.

c. 9 February 2014,

In response to an email from Pupil A on 6 February 2014, which expressed concern for Mr Clark’s absence from school, Mr Clark emailed Pupil A on 9 February 2014. In this email Mr Clark mentioned a number of very personal matters and also mentioned that he had been receiving medial treatment over the last few years. The content of such email communications was considered by the panel to be inappropriate. Therefore the panel therefore found this allegation proven.

d. 13 February 2014,

Included in the bundle there was an email dialogue between Mr Clark and Pupil A on 13 February 2014. Mr Clark stated that he was “crying” as he responded and he was “weak”, “pathetic”, “unfair” and a “terrible person”. The tone and content of such correspondence were in the panel’s view clearly inappropriate in the context of a pupil/teacher relationship. Therefore the panel found this allegation proven.

e. 14 March 2014

Included in the bundle was an email from Mr Clark to Pupil A dated 14 March 2014 in which he stated “...I’m, going to....smoke a couple of joints...and miss out most of tomorrow”. The panel considered any reference made to a pupil about personal illegal drug use to be inappropriate and accordingly the panel found this allegation proven.

2. By your emails referred to at 1 above you:

a. Told Pupil A that you had fallen in love with her,

It is clear from the email Mr Clark sent to Pupil A on 9 February 2014, which was the subject of allegation 1c., that Mr Clark had stated that he was “falling in love” with Pupil A. Mr Clark confirmed that he cared for Pupil A and her feelings were important to him. Pupil A stated that what he had said was “inappropriate” and “unsettling” because Mr Clark was a teacher. The panel agreed Mr Clark’s statement was extremely inappropriate. The panel found this allegation proven.

b. Failed to discourage Pupil A from keeping secrets about the nature of your communications.

In her email of 13 February 2014 to Mr Clark, Pupil A asked whether anyone else knew about Mr Clark’s email conversations with Pupil A and she indicated that she would be content to forget them and pretend everything was normal if Mr Clark ever returned to School. Mr Clark indicated that he had not told anyone of their email conversations. In his response, Mr Clark did not indicate that Pupil A should seek support or guidance from anyone else. There was no indication that he encouraged Pupil A to disclose their communications. The panel considered that this constituted a failure on Mr Clark’s part. The panel found this allegation is proven.

c. Confided in Pupil A inappropriate details about your personal life;

It was clear from the email correspondence seen by the panel and referred to in allegation 1 above, Mr Clark confided in Pupil A many aspects of his personal life. The panel would not expect a member of the teaching profession to do so. For example notifying Pupil A that he was receiving treatment, wished to smoke a “couple of joints”, had previous family issues, as well as the nature of his feelings towards Pupil A. This in the panel’s view was inappropriate as this did not adhere to acceptable professional boundaries. Therefore this allegation was found proven.

3. On around June 2014 you delivered to Pupil A’s home:

a. A handwritten letter addressed to Pupil A,

The panel had regard to a handwritten letter which was included in the bundle which, although there was no signature, the panel accepted this letter was from Mr Clark to Pupil A. The letter is undated and it unclear if it was sent to Pupil A on or around June 2014. In the Statement of Agreed Facts Mr Clark admits that he did send this letter to Pupil A and therefore on the balance of probabilities the panel considered this allegation was proven.

b. A gift in the form of a cheque and/or cash in the sum of £500.

The undated letter referred to above in allegation 3a. indicates that a gift is enclosed which Mr Clark appears to have offered in order to “absolve” his guilt. The letter itself makes no reference to what that gift is. The panel had regard to the notes of a confidential strategy meeting which indicated that Pupil A’s father had contacted the police after a letter was delivered on 5 June from Mr Clark to Pupil A, which contained £500. Mr Clark has confirmed in the Statement of Agreed Facts that he did provide a gift in the sum of £500 to Pupil A. The panel noted that in her witness statement to the police Pupil A confirmed that £500 in cash had been enclosed in a hand written note to her. Therefore this allegation was found proven.

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

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘guidance’.

The panel is satisfied that the conduct of Mr Clark in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Clark 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 has found proven a number of serious allegations against Mr Clark. The panel is satisfied that the conduct of Mr Clark fell significantly short of the standards expected of the profession. It was highly inappropriate for Mr Clark to reveal intimate details of his personal life to Pupil A which showed a disregard for the appropriate and proper professional boundaries. References to his personal feelings and emotions could have had a negative impact on Pupil A. By way of further examples, he indicated in an email

that he was going to “smoke a couple of joints”. Mr Clark also revealed the fact that he was receiving treatment from a health professional and was “crying” at the time he wrote emails. The panel considered that Mr Clark’s conduct may have led to Pupil A suffering harmful effects.

The panel has also considered whether Mr Clark’s conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the guidance and the panel has found that none of these offences are relevant. However, despite this, the panel went on to consider whether Mr Clark’s conduct was unacceptable unprofessional conduct.

The panel notes that allegation 3 relates to the sending of a letter and enclosure of a gift amounting to £500 in cash, which took place outside of the education setting, as this was sent to Pupil A at home. It was clear from the documents included in the bundle that Pupil A was negatively affected by this letter (regardless of Mr Clark’s intention) as she confirmed in one of her statements to the police that this was unwanted attention. This course of conduct and behaviour was harmful to Pupil A as it made her feel uncomfortable and this matter was reported to the police.

Accordingly, the panel is satisfied that Mr Clark 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 panel’s findings are serious and the conduct displayed by Mr Clark would have a negative impact on his status as a teacher, potentially damaging the public perception of the teaching profession. Mr Clark carried on email correspondence and then latterly letter correspondence, with Pupil A which the panel considered deeply inappropriate and unprofessional. The panel therefore finds that Mr Clark’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 Teacher Misconduct – The prohibition of Teachers 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/declaring and upholding proper standards of conduct.

The panel's findings against Mr Clark involved inappropriate communication of personal feelings for Pupil A and revelation of intimate details of his personal life, including treatment by a health professional, and inappropriately providing a cash gift to Pupil A. In light of this, there is a strong public interest consideration in respect of the protection of pupils.

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

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

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 Clark. The panel took further account of the guidance, which suggests that a prohibition order may be appropriate if certain behaviours by 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

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 noted that there was very little information by way of mitigation.

In light of the panel's findings, the panel considered that there was no evidence that Mr Clark's conduct was anything other than deliberate or that he was acting under duress. The panel considered that no evidence was provided that indicated that Mr Clark had anything other than a previously good character.

The panel is of the view that prohibition is both proportionate and appropriate given its findings of unacceptable professional conduct and conduct which may bring the profession into disrepute. The panel has decided that the public interest considerations outweigh the interests of Mr Clark. Accordingly, the panel recommends 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 were mindful that the guidance advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel did not find that any of those behaviours were present. The panel considered that it would be appropriate and proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period of not less than 4 years. The panel considers that the length of this review period reflects the seriousness of the findings against Mr Clark and protects the public interest. This could also allow a sufficient time period for Mr Clark to develop the requisite insight and reflection to address his serious departure from the personal and professional conduct elements of the Teachers' Standards.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel both in respect of sanction and review period.

This is a serious case and the panel have found the allegations proven. It is clear from the evidence that Mr Clark 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.

These were serious allegations against Mr Clark. His behaviour fell significantly short of the standards expected of the profession.

I have also considered carefully the public interest and the interests of Mr Clark. I have also considered the need to be proportionate in the case whilst also upholding the high standards that the public expects of the profession.

I consider that prohibition is proportionate and appropriate in this case. In my view the public interest considerations outweigh the interests of Mr Clark. Accordingly, I support the recommendation of the panel that a prohibition order should be imposed with immediate effect.


I have also considered carefully the matter of a review period. I consider that a 4 year review period will allow a sufficient time period for Mr Clark to develop the necessary insight and reflection to address his serious departure from the personal and professional conduct elements of the Teachers' Standards.

This means that Mr Ross Clark is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 23 February 2019, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Ross Clark remains prohibited from teaching indefinitely.

This Order takes effect from the date on which it is served on the teacher.

Mr Ross Clark 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 grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Date: 16 February 2015

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