



National College for  
Teaching & Leadership

# **Mr Joshua David Long: Professional conduct panel outcome**

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

**July 2016**

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

**Teacher:** Mr Joshua David Long

**Teacher ref number:** 1040423

**Teacher date of birth:** 21 August 1987

**NCTL case reference:** 14851

**Date of determination:** 1 July 2016

**Former employer:** The Marlborough Church of England School, Oxfordshire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 1 July 2016 at the Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Mr Joshua David Long.

The panel members were Mr Tony Woodward (teacher panellist – in the chair), Ms Alison Walsh (teacher panellist) and Ms Catherine Boyd (lay panellist).

The legal adviser to the panel was Mr Thomas Whitfield of Eversheds LLP solicitors.

The presenting officer for the National College was Ms Kayleigh Brooks of Browne Jacobson LLP solicitors.

Mr Long was not present and was not represented.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegation set out in the Notice of Proceedings dated 14 April 2016.

It was alleged that Mr Joshua Long was guilty of having been convicted of a relevant offence, in that he was convicted on 9 December 2015 at Oxford Magistrates Court for:

1. The Offence of Harassment between 9 July and 12 July 2015 contrary to Section 2 of the Protection from Harassment Act 1997 for which he was sentenced to a conditional discharge for a period of 24 months, costs of £500.00, a victim surcharge of £15.00 and a criminal courts charge of £520.00

Mr Long admitted that he was convicted on 9 December 2015, but did not admit that that conviction was of an offence relevant to a person's fitness to be a teacher.

## **C. Preliminary applications**

The panel considered an application from the presenting officer to proceed in the absence of Mr Long.

The panel was satisfied that the National College had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, and that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession.

The panel had seen a number of communications from Mr Long, including responses to the questions contained in the Notice of Proceedings, in which he indicated that he did not intend to attend the hearing or be represented.

The panel therefore considered that Mr Long had waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel had regard to the extent of the disadvantage to Mr Long in not being able to give his account of events, having regard to the nature of the evidence against him. The panel noted that disadvantage was addressed to some degree by the panel having had the benefit of a response from Mr Long to the allegations. The panel also noted that it had not identified any significant gaps in the documentary evidence provided to it.

The panel had regard to the seriousness of this case and the potential consequences for Mr Long and accepted that fairness to the teacher was of prime importance. However, the panel considered that in light of Mr Long's waiver of his right to appear; by the panel taking measures to address any unfairness insofar as is possible; and taking into consideration the public interest in the hearing proceeding within a reasonable time, the hearing should proceed.

## **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, with page numbers from 2 to 3
- Section 2: Notice of Proceedings and response, with page numbers from 5 to 12
- Section 3: National College for Teaching & Leadership Documents, with page numbers from 14 to 63
- Section 4: Teacher Documents, with page numbers from 65 to 76

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

### **Witnesses**

The panel did not hear any 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 Joshua Long was employed as a religious education teacher at The Marlborough Church of England School, Oxfordshire (the “School”) from 2013. In July 2015, an allegation was made to the Police by the mother of a pupil at the School (“Pupil A”), which resulted in the Police charging Mr Long under the Protection from Harassment Act 1997. Mr Long pleaded not guilty on 29 September 2015 and was convicted by the Oxford Magistrates Court on 9 December 2015, of the following:

“Between 9<sup>th</sup> July 2015 and 12<sup>th</sup> July at Witney in Oxfordshire pursued a course of conduct which amounted to the harassment of [Pupil A] and which you knew or ought to have known amounted to the harassment of [Pupil A]. In that you attempted to contact [Pupil A] by telephone on 10 occasions, by text message on 16 occasions and in person on multiple occasions. Contrary to section 2(1) and (2) of the Protection from Harassment Act 1997.”

It is this conviction which is to be considered by the panel.

## Findings of fact

Our findings of fact are as follows:

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

**That you are guilty of a conviction, at any time, of a relevant criminal offence in that you were convicted on 9 December 2015 at Oxford Magistrates Court for:**

- 1. The Offence of Harassment between 9 July and 12 July 2015 contrary to Section 2 of the Protection from Harassment Act 1997 for which you were sentenced to a conditional discharge for a period of 24 months, costs of £500.00, a victim surcharge of £15.00 and a criminal courts charge of £520.00**

The panel has seen a memorandum of conviction, Mr Long has acknowledged the existence of the conviction and there is no evidence to contradict that. The panel therefore finds the facts of the allegation proven.

## Findings as to conviction of a relevant offence

Having found the conviction to have been proven, the panel has gone on to consider whether the conviction is of an offence that is relevant to a person's fitness to be a teacher.

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 Joshua Long in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Long 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; and
  - showing respect for the rights of others.

The panel finds that the individual's actions were relevant to teaching, working with children and working in an education setting. The panel noted that Pupil A was not only a pupil at the School, but also a pupil who was being taught by Mr Long during the period when these events took place.

The panel also considers that the behaviour involved in committing the offence had an impact on the safety or security of at least one pupil. The conviction was of harassment of someone, who was at the relevant time, a pupil of Mr Long.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Long's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that the teacher's behaviour did not lead to a sentence of imprisonment which is indicative that the offence was at the less serious end of the possible spectrum.

This is not a case involving any of the specific offences identified in the Advice as being likely to be considered to be relevant offences. Nor is it one of the specific offences identified in the Advice as being less likely to be considered a relevant offence. However the panel notes that these are not exhaustive lists.

Although to the panel's knowledge, Mr Long has an otherwise unblemished record, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to Mr Long's ongoing suitability to teach. The panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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

Given the panel's findings in respect of a conviction of a relevant offence, 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 has been no allegation that Mr Long's conduct was sexually motivated. The panel also notes that the conduct which led to the conviction was not such that the Magistrates' Court made a restraining order. However, the panel still considers that Mr Long's behaviour engages a strong public interest consideration in respect of the protection of pupils. Mr Long harassed a pupil at the School at which he taught, including by

telephone calls made and text messages being sent to the pupil's mobile telephone, over a period of four days. The evidence from Pupil A was that Mr Long's conduct made her cry, feel "very upset and scared", such that she "nearly threw up [she] was so upset".

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

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

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 Long. 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; and
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The panel considers that Mr Long's departures from the Teachers' Standards, which it has already identified, were serious.

In light of the effect that Mr Long's misconduct had on Pupil A, the panel considers that it did seriously affect the well-being of at least one pupil. Moreover, the panel believes that there is a continuing risk to the well-being of pupils. It has reached this conclusion because, firstly, even in his communications with the National College, Mr Long has failed to accept the severity of his misconduct, asserting that his conduct should not have led to a conviction. Secondly, Mr Long has referred to Pupil A as a "friend", demonstrating a lack of understanding of the proper boundaries appropriate to a teacher's professional position. There is no evidence before the panel that Mr Long's misplaced attitude has changed.

Further, the harassment of Pupil A, including by text messages sent and calls made to her mobile telephone whilst at home, violated the rights of Pupil A as well as amounting to abuses of Mr Long's position or trust.



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.

There was no evidence that the teacher's actions were not deliberate, nor was there any evidence to suggest that the teacher was acting under duress.

As far as the panel is aware, Mr Long, does however have a previously good record.

Taking all of this into consideration 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 Long. The fact that Mr Long has still not shown any insight or remorse, and that the panel believes that Mr Long presents a continuing risk because of this, were significant factors 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. None of these behaviours are present in this case.

As the panel has noted, Mr Long has not shown any insight into his actions, the impact that they had on Pupil A, or the proper boundaries between pupils and teachers.

However, if Mr Long is able to develop such insight and demonstrate that to a future panel, it may be that a future panel considers (after review of all relevant factors, not necessarily just any insight) that any prohibition order should be set aside. The panel accordingly determines that a review period would be appropriate and as such has decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for review after two years. The panel considers that two years is the minimum period that Mr Long is likely to require to reflect and be able to demonstrate that he has now developed the requisite insight.

## **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 in respect of both sanction and review.

The panel has found that Mr Long was guilty of a relevant conviction, in that on 9 December 2015 he was convicted at Oxford Magistrates Court for the Offence of Harassment between 9 July and 12 July contrary to Section 2 of the Protection from Harassment Act 1997.

In making these findings the panel found that Mr Long is in breach of the following Teachers' 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; and
  - showing respect for the rights of others.

The panel considers that Mr Long's departures from the Teachers' Standards were serious. I agree with the panel's view.

The panel also finds that Mr Long's actions were relevant to teaching, working with children and working in an education setting. The panel noted that Pupil A was not only a pupil at the School, but also a pupil who was being taught by Mr Long during the period when these events took place.

The panel took account of the Advice, and have found that the behaviours 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; and
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

I have considered the public interest considerations in this case. The panel considers that Mr Long's behaviour engages a strong public interest consideration in respect of the protection of pupils. I agree with the panel's view. Mr Long harassed a pupil at the School at which he taught.

I have considered the findings of the panel and their recommendations with care. I have taken into account the need to balance the public interest with the interest of Mr Long. I have taken into account the guidance published by the Secretary of State.

I have also taken into account the need to be proportionate.

The panel is of a view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Long. I agree with that view. The fact that Mr Long has still not shown any insight or remorse, and that the panel believes that Mr Long presents a continuing risk were significant factors in that opinion.

For the reasons given, I support the recommendation of the panel that Mr Long should be prohibited.

I have also considered carefully the recommendation of the panel in respect of the review period.

The panel have determined that a review period be recommended for two years for Mr Long to reflect, and be able to demonstrate, that he has developed the requisite insight.

I differ in my view from that of the panel. I do not believe the panel has given sufficient consideration to the public interest in this case with regard to the protection of pupils. Mr Long's misconduct seriously affected the well-being of at least one pupil. Equally, the panel believes there is a continuing risk to the well-being of pupils. Mr Long failed to accept the severity of his misconduct, asserting that his conduct should not have led to a conviction. He has also demonstrated a lack of understanding of the proper boundaries appropriate to a teacher's professional position. In addition to this, Mr Long has shown no remorse or insight.

For the reasons I have set out, I have decided that a four year review period is both proportionate and appropriate. I consider that this is an appropriate amount of time for Mr Long to be able to demonstrate the requisite insight.

**This means that Mr Joshua Long 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 14 July 2020, 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 Long remains prohibited from teaching indefinitely.

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

Mr Long 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 'J. Long', written on a light-colored background.

**Decision maker: Jayne Millions**

**Date: 6 July 2016**

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