



National College for  
Teaching & Leadership

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

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

**September 2015**

## Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	7
Documents	7
Witnesses	7
E. Decision and reasons	8
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	16

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

**Teacher:** Mr Marc Richardson

**Teacher ref number:** 0355849

**Teacher date of birth:** 27 July 1981

**NCTL case reference:** 12530

**Date of determination:** 22 September 2015

**Former employer:** Tottington High School, Lancashire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 and 22 September 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Marc Richardson.

The panel members were Mr Mark Tweedle (teacher panellist – in the chair), Ms Jean Carter (lay panellist), and Dr Geoffrey Penzer (lay panellist).

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

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP.

Mr Marc Richardson was not present but was represented by Ms Mary O’Rourke QC of Counsel.

The hearing took place in public, save for evidence from Pupil C being heard in private. The hearing was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 2 June 2015.

It was alleged that Mr Marc Richardson was guilty of unacceptable professional conduct in that:

Whilst employed as a teacher at Tottington High School, he:

1. Failed to maintain appropriate professional boundaries with Pupil A in 2012 in that he:
  - a. sent inappropriate and flirtatious direct messages to Pupil A via Twitter;
  - b. requested that Pupil A keep the conversations secret;
  - c. told Pupil A that she was 'too attractive to teach' and that she was 'a nightmare to teach as she was so attractive';
  - d. made contact with Pupil A's bottom with his hand.
2. Failed to maintain appropriate boundaries with Pupil B in 2014 in that he:
  - a. sent messages to Pupil B including via a mobile messaging application;
  - b. sent inappropriate messages to Pupil B including call her "*baby*", using expletive language and advising that he felt bad because "*I'm stopping you from seeing other people*";
  - c. engaged in inappropriate conversations including conversations of a sexual nature;
  - d. paid for items belonging to Pupil B on eBay to help fund her attendance on a school trip;
  - e. was alone with Pupil B in a room under the school stage on 14<sup>th</sup> May 2014 outside teaching hours and gave inconsistent explanations for being there.
3. Engaged in an inappropriate relationship with Pupil B in that he engaged in a sexual contact with her.
4. In doing 2 and 3 above his conduct was sexually motivated.
5. In doing 2 above he acted against a direct management instruction by failing to refrain from contact with pupils and report any such contact to his employer.

Mr Richardson admits the facts relating to allegations 1a to 1d, 2a to 2c, 2e and 5. Allegations 2d, 3 and 4 are not admitted.

Mr Richardson admits that his conduct relating to the allegations he has admitted in the statement of agreed and disputed facts amounts to unacceptable professional conduct.

## **C. Preliminary applications**

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

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").

Mr Richardson's representative stated that Mr Richardson has chosen not to attend and has not instructed her to seek a postponement or adjournment. The presenting officer had no further submission to add.

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 AC1. The panel is satisfied that Mr Richardson is aware of these proceedings as he received the Notice of Proceedings on or around 2 June 2015 and he has had more than 8 weeks' notice of today's hearing. In addition, Mr Richardson has taken the steps to arrange for his solicitor and Counsel to represent him. The panel therefore considers that Mr Richardson is participating and has deliberately decided not to be present at the hearing.

The panel has had regard to the extent of the disadvantage to Mr Richardson in 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 evidence and the oral submissions to be made by his legal representative and therefore the panel and Mr Richardson's representative are able to ascertain the lines of defence. The panel has noted that two

witnesses relied upon are to be called to give evidence and the panel and Mr Richardson's representative can test that evidence in questioning those witnesses.

The panel also notes that there is a child witness due to give oral evidence at the hearing, who is prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

The panel has had regard to the seriousness of this case, and the potential consequences for Mr Richardson and has accepted that fairness to Mr Richardson is of prime importance. However, it considers that in light of his decision not to attend but to be represented and the inconvenience an adjournment would cause to the witnesses; that on balance, the public interest is served in this hearing proceeding today.

The panel has considered whether to exercise its discretion under paragraph 11 of the Regulations and paragraph 4.57 the Procedures to exclude the public from all or part of the hearing. This follows a request by Mr Richardson that the hearing should be in private.

The panel has determined 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 part of the hearing.

The panel is mindful of Mr Richardson's representative's submission that the panel should grant this application in Mr Richardson's favour unless somehow or other it would be contrary to public interest. Mr Richardson is also concerned about the adverse effects of publicity and gossip on his immediate and wider family, and others.

The presenting officer stated that the starting point is for hearings to proceed in public, and the reasons given by Mr Richardson's representative are insufficient to go against this principle. The panel also accepts Mr Richardson's assurances that he does not wish to "escape his responsibilities" by this matter proceeding in private, as the final decision will be published.

The panel took into account the presenting officer's submission that conducting hearings in public goes to the efficacy of the hearing and parties' giving evidence in an open and transparent forum.

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 had regard to whether Mr Richardson's request runs contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct. In the event that the case continues any decision of the Secretary of State will also be published. The panel considers that the allegations against Mr Richardson are

serious and it is appropriate for regulatory proceedings to be conducted in public to be able to demonstrate a fair and transparent decision making process. Public confidence in these proceedings and in the standards of the profession is maintained by this matter proceeding in public.

Whilst the panel has decided to conduct this hearing in public, it has decided that that part of the hearing in which a child witness is due to give evidence will be in private.

The panel also considered whether it would sufficiently protect the interests of third parties to grant anonymity to those third parties without the need to exclude the public from the hearing. The panel considered that anonymising the names of witnesses in the written decision and anonymising the name of the child witness both in the hearing and the published decision would be sufficient to protect their interests.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 4

Section 2: Notice of Proceedings and response – pages 5 to 18

Section 3: National College's witness statements – pages 19 to 29

Section 4: National College's documents – pages 30 to 266

Section 5: Teacher documents – pages 267 to 271

In addition, the panel agreed to accept the following:

- An additional email from the police service which has been paginated as page 271;
- A full and complete copy of an interview log (which appeared in an incomplete form in the bundle) was paginated 42a to 42c.

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

### **Witnesses**

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A – the headteacher of Tottington High School

- Pupil C – friend of Pupil B

No witnesses were called to give oral evidence by Mr Richardson's representative.

## **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 Marc Richardson was employed as a teacher of drama at Tottington High School ("the School") on 1 September 2004. In September 2006 he was appointed head of careers guidance. From September 2009 he was appointed head of drama and performing arts. In this role, he taught key stage 3, GCSE drama and supervised productions performed by pupils. He was also made a head of house in 2012, which required him to put on extra-curricular activities and competitions. Following inappropriate communications with Pupil A, Mr Richardson was issued with a final written warning by the School on 25 January 2013 which was "live" until July 2014. This final written warning prohibited physical contact or social media contact with pupils. Following notification that the School would commence an investigation into allegations of an inappropriate relationship with Pupil B, Mr Richardson resigned with immediate effect on 19 May 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 Tottington High School, you:**

- 1. Failed to maintain appropriate professional boundaries with Pupil A in 2012 in that you:**

The stem of allegation 1 has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- a. sent inappropriate and flirtatious direct messages to Pupil A via Twitter;**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- b. requested that Pupil A keep the conversations secret;**



This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- c. told Pupil A that she was ‘too attractive to teach’ and that she was ‘a nightmare to teacher as she was so attractive’;**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- d. made contact with Pupil A’s bottom with your hand.**

This allegation appeared to have been admitted in the statement of agreed and disputed facts yet Mr Richardson is unsure of whether or not his hand made any contact with Pupil A’s bottom or lower back. This may have been undertaken accidentally rather than intentionally. However, Mr Richardson’s representative clarified during the hearing that the allegation is admitted in whole. Therefore the panel found this allegation proved.

## **2. Failed to maintain appropriate boundaries with Pupil B in 2014 in that you:**

The stem of allegation 2 has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- a. sent messages to Pupil B including via a mobile messaging application;**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- b. sent inappropriate messages to Pupil B including calling her “baby”, using expletive language and advising that you felt bad because “I’m stopping you from seeing other people”;**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- c. engaged in inappropriate conversations including conversations of a sexual nature;**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

- e. were alone with Pupil B in a room under the school stage on 14<sup>th</sup> May 2014 outside teaching hours and gave inconsistent explanations for being there;**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

### **3. Engaged in an inappropriate relationship with Pupil B in that you engaged in a sexual contact with her.**

This allegation is denied in the statement of agreed and disputed facts. Mr Richardson's representative submitted to the panel that it must construe the allegations against Mr Richardson strictly. This allegation states that "a sexual contact" may have happened i.e. in the singular, the inference is that this was only once. Mr Richardson's representative argued that this was linked to allegation 2(e) relating to the meeting under the stage. The presenting officer states that the National College is not seeking to allege that sexual contact took place under the stage. Allegation 3 is more widely construed and alleges "a sexual contact" took place between Mr Richardson and Pupil B at a time unspecified.

Mr Richardson's representative argues that because both Mr Richardson and Pupil B deny sexual contact that any evidence relating to allegation 3 amounts to "double hearsay, innuendo and/or conjecture". Mr Richardson's representative stated that given this is a serious allegation it should be particularised with a date of the relevant "sexual contact".

The panel agrees with the presenting officer and is of the view that allegation 3 should be construed widely.

The panel took careful account of the tone and content of the Whatsapp messages included in the bundle. The presenting officer submitted that the nature of the text messages between Mr Richardson and Pupil B are evidence of Mr Richardson and Pupil B having had sexual contact. Mr Richardson's representative submitted that although there is evidence of a sexual conversation this is not evidence of any sexual contact or relations between Mr Richardson and Pupil B.

The panel considered it is plain that sexual conversations took place between Pupil B and Mr Richardson, and the messages (which Mr Richardson admits participating in) contained explicit references to sexual acts between them for example [redacted].

In her witness statement, Pupil B's mother states that she had had "niggling feelings" about Mr Richardson for a number of months, and that Pupil B had suddenly asked about the contraceptive pill. In her written account, Pupil B's mother indicated that she refused to take Pupil B to the doctors to ask about contraception, following her complaint of period pain. Mr Richardson's representative argued that this is not evidence that any sexual contact actually took place. The panel agrees but it is evidence that Pupil B may have been contemplating sexual contact.

The panel noted that there was no independent evidence before it of what went on when Mr Richardson and Pupil B went into the area under the stage. The panel heard evidence from Witness A that the under-stage area was rarely frequented by pupils or staff. It was clear to the panel that the meeting under the stage was pre-arranged. In the view of the panel, the behaviour of Pupil B and Mr Richardson suggests that neither of them were

expecting anyone to enter the hall whilst they were under the stage. Mr Richardson admits allegation 2(e), and that both Pupil B and Mr Richardson gave inconsistent accounts for why they were under the stage. In the view of the panel, the meeting was clearly illicit and should not have taken place. There is no persuasive evidence of sexual contact taking place on that occasion.

Pupil C gave oral evidence at the hearing that Pupil B had told her that she had done “everything” with her boyfriend, and that Pupil B later admitted to Pupil C in the summer of 2014 that the boyfriend in question was Mr Richardson. The panel found Pupil C an honest witness and that her written and oral accounts of events were broadly consistent and credible.

The panel considered the Whatsapp messages and the evidence of Pupil C support a finding of a sexual relationship and sexual contact between Mr Richardson and Pupil B. The panel considers that the fact that Pupil B had deleted all her messages on her phone was suspicious. The panel recognises its conclusion is based in part on hearsay evidence, but attaches significant weight to the Whatsapp conversations, which are admitted by Mr Richardson, and Pupil C’s oral evidence. On the balance of probabilities, the panel found this allegation proven.

#### **4. In doing 2 and 3 above your conduct was sexually motivated.**

This allegation is denied in the statement of agreed and disputed facts. The presenting officer stated during the hearing that the panel is not asked to infer what may or may not have happened when Mr Richardson and Pupil B were under the stage on 14 May 2014. The panel was invited instead to consider whether Mr Richardson’s conduct towards Pupil B in a wider context was sexually motivated.

Mr Richardson’s representative argued that it should be of concern to the panel that Pupil B is not willing to support these proceedings and this particular allegation against Mr Richardson. The presenting officer argued that the absence of Pupil B does not prevent the panel making findings and there is sufficient evidence before it to prove the facts of the case and sexual motivation.

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 words/actions 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, whether Mr Richardson’s purpose of such words/actions was sexual, i.e. the subjective limb.

On the balance of probabilities, the panel considered that Mr Richardson’s behaviour towards Pupil B was sexually motivated. A reasonable person would consider that Mr Richardson’s participation in the Whatsapp messages/conversations included in the

bundle could only be sexually motivated because of their explicit content, use of sexual swear words and references to sexual acts between them.

Further, the panel considered Mr Richardson would have realised that his words and actions, in participating in those messages/conversations, were clearly contrary to both the School's safeguarding policies and a direct contravention of the final written warning, the direct management instruction (referred to in allegation 5 below). In light of this, the panel has determined that Mr Richardson's purpose for such communications cannot be anything other than motivated by sex. The panel found this allegation proven.

**5. In doing 2 above you acted against a direct management instruction by failing to refrain from contact with pupils and report any such contact to your employer.**

This allegation has been admitted in the statement of agreed and disputed facts and therefore is found proved.

The panel has found the following particulars of the allegation against you not proven, for these reasons:

**2. Failed to maintain appropriate boundaries with Pupil B in 2014 in that you:**

**d. paid for items belonging to Pupil B on eBay to help fund her attendance on a school trip;**

Mr Richardson's representative clarified during the hearing that Mr Richardson admits that he purchased items belonging to Pupil B on eBay, however he denies that he did so to help fund Pupil B's attendance on a school trip. This allegation is therefore not admitted.

In her oral submissions, Mr Richardson's representative indicated that the witness statement of Pupil B's mother is the only evidence relating to the intention behind Mr Richardson's purchase of the relevant items on eBay. In her written account of this allegation, included in the bundle, she claims that Pupil B told her that Pupil B had told Mr Richardson that she was selling these items to help fund her attendance on a school trip. Due to Pupil B's Mother not being present, Mr Richardson's representative argued that the evidence in relation to the motivation behind Mr Richardson's conduct is "scant in the extreme". Pupil B's mother, goes on to indicate in her written account that Pupil B considered Mr Richardson purchased the eBay items as a gift for his wife.

The presenting officer submitted that Mr Richardson's conduct was suspicious given that he arranged for the eBay items he purchased to be delivered to several addresses under more than one name and that this suggested Mr Richardson was trying to conceal his relationship with Pupil B. Mr Richardson's representative indicated that sending items to alternative addresses was consistent with arranging a surprise gift for his wife's birthday.

The panel found that Mr Richardson had purchased items belonging to Pupil B on eBay and that there was evidence of him having inappropriately transferred money to Pupil B (as reflected by the record of the eBay account included in the bundle). The panel also found that Mr Richardson sought to hide this conduct by using different names and addresses and it did not consider his explanation that he was purchasing gifts for his wife was credible. However, the panel did not consider that it had sufficient evidence of Mr Richardson's intention behind the eBay purchases and therefore, on the balance of probabilities, the panel could not find that such purchases were made to enable Pupil B to attend a school trip. Therefore the panel found this allegation not proven.

## **Findings as to unacceptable professional conduct**

Having found a number of 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.

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.

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 has found that the offence of sexual activity is relevant because it has found that a sexual contact occurred with a pupil who was aged 14 at the relevant time. The Advice indicates

that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Mr Richardson's behaviour is a serious abuse of his position of trust and shows a blatant disregard for the need to safeguard pupils' well-being. He has completely disregarded the management advice he received in his final written warning. Accordingly, the panel has no hesitation in concluding that Mr Richardson is guilty of unacceptable professional conduct.

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

Given the panel's findings in respect of unacceptable professional conduct, 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 failing to maintain appropriate professional boundaries in his communications with Pupil A and Pupil B, and sexual activity with Pupil B.

The panel considers that public confidence in the profession would 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, by any measure, 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 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;
- sexual misconduct, e.g. 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 render 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. Mr Richardson's representative proffered no mitigation evidence on behalf of Mr Richardson. The panel considered that Mr Richardson's actions were deliberate, and there was no evidence he was acting under duress. His behaviour was sustained over a period of time, and in relation to Pupil B, was contrary to the management advice Mr Richardson had received from the School following the incidents with Pupil A.

The panel noted that in the 2013 disciplinary letter from the School to Mr Richardson the Governors acknowledged that he is a "highly regarded teacher". The panel also noted Witness A's oral evidence that Mr Richardson was a good teacher. Mr Richardson being given a final written warning is reflective of Mr Richardson not having an unblemished history.

The panel recommends that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Richardson. The conduct found proved at allegations 3, 4 and 5 amounts to serious misconduct, which was an abuse of trust and violated the rights of Pupil B. The panel considers that the deep seated attitude displayed by Mr Richardson makes him a risk to pupils in the future if he were permitted to return to teaching.

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 to recommend that a review period of the order should be considered. The panel was mindful 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. One of these behaviours includes serious sexual misconduct, e.g. 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's sexually motivated behaviour resulted in a serious abuse of trust which caused harm to Pupil B.

The panel does not find any evidence of Mr Richardson having expressed remorse or insight into his actions. Therefore, the panel recommends that a prohibition order is imposed 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 a range of allegations proven and consider that those facts amount to unacceptable professional conduct.

In considering whether to recommend prohibition as an appropriate and proportionate sanction the panel has properly considered the public interest. It has found a number to be relevant in this case namely, the protection of pupils, maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There was no evidence to suggest that Mr Richardson was acting under duress and it was clear to the panel that his actions were deliberate. Mr Richardson's behaviour involves serious sexual misconduct. He has abused his position of trust and caused harm to Pupil B.


Mr Richardson has shown no insight or remorse into his actions and I agree with the panel recommendation that he should be prohibited without the opportunity to apply to have the order set aside at a future date.

**This means that Mr Marc 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 Marc 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 Marc 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.



A handwritten signature in black ink, appearing to read 'P. Heathcote', with a large, sweeping loop at the end.

**Decision maker: Paul Heathcote**

**Date: 25 September 2015**

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