



National College for
Teaching & Leadership

Mr Simon Parsons: Professional conduct panel outcome

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

October 2016

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

Teacher: Mr Simon Parsons
Teacher ref number: 8659596
Teacher date of birth: 4 September 1962
NCTL case reference: 13038
Date of determination: 3 October 2016
Former employer: Castle School, Thornbury

A. Introduction

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

The panel members were Ms Alison Walsh (teacher panellist – in the chair), Mr Tony Greenwood (lay panellist) and Professor Roger Woods (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Ben Chapman of Browne Jacobson LLP solicitors.

Mr Parsons was not present and was not represented.

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 August 2016.

It was alleged that Mr Simon Parsons was guilty of a conviction at any time of a relevant offence, in that:

1. On 18 November 2014 he was convicted of:
 - a. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;
 - b. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;
 - c. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;
 - d. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;
 - e. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;
2. For his convictions at allegation 1 above, he was sentenced on 20 January 2015 to:
 - a. 12 months imprisonment;
 - b. Sign on the Sex Offenders Register for 10 years.

No admissions were made by Mr Parsons

C. Preliminary applications

Application to proceed in the absence of the teacher

The presenting officer applied to proceed with the hearing in the absence of Mr Parsons. After hearing submissions from the presenting officer and receiving legal advice, the Chair announced the decision of the panel as follows:

- '1. The panel is satisfied that the Notice of Proceedings has been sent to Mr Parsons in accordance with Rule 4.11.
2. The panel notes that a tracing report identified Mr Parsons' address as the address to which the Notice of Proceedings was sent and the Royal Mail track and trace service confirms that receipt of the notice was signed 'S Parsons'.

3. The panel is satisfied that Mr Parsons is aware of the proceedings and has decided not to attend. The panel is satisfied that Mr Parsons has voluntarily waived his right to attend.

4. No application for an adjournment has been made and there is no indication that Mr Parsons would attend at a later date were the hearing to be adjourned.

5. The panel has also had regard to the public interest in these proceedings taking place reasonably promptly.

Taking all of these factors into account, the panel has decided to proceed with the hearing in the absence of Mr Parsons'.

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 17

Section 3: NCTL witness statements – Page 18

Section 4: NCTL documents – pages 19 to 67

Section 5: Teacher documents – pages 69 to 102

In addition, the panel agreed to accept the following:

Tracing report dated 9 December 2015, email dated 19 September 2016 confirming result of updated trace, Royal Mail track and trace proof of delivery and letter from Browne Jacobson dated 16 September 2016. These documents were added to the bundles as pages 103 to 109.

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

Witnesses

The panel heard no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Simon Parsons qualified as a teacher in 1987 and was employed as a teacher of drama at the Castle School, Thornbury from January 1988. Mr Parsons started teaching Pupil A when she was 15 years old. The relationship between Pupil A and Mr Parsons commenced when she was 16, involving kissing and sexual touching. Sexual intercourse took place when Pupil A was 17. Mr Parsons would have been 43 years old at that time.

On Pupil A's 17th birthday, Mr Parsons took her to London to the theatre and they stayed overnight in a hotel where they had sexual intercourse. Thereafter, the relationship continued for a period of four years. In the year before her 18th birthday, when the activity ceased being illegal, they had sexual intercourse on numerous occasions, including on school premises. The relationship continued after Pupil A left school and gave birth to a son. It was not disputed that Mr Parsons was the father of the child. Following advice from her aunt, Pupil A reported the relationship to the police in March 2014. Mr Parsons was interviewed under caution where he admitted the relationship. Mr Parsons appeared at Bristol Crown Court on 18 November 2014 where he pleaded guilty to five specimen counts of causing or inciting sexual activity with a female aged 13 - 17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003. On 20 January 2015, he was sentenced to 12 months imprisonment, concurrent, for each count and was ordered to sign on the Sex Offenders Register for a period of 10 years.

Findings of fact

Our findings of fact are as follows:

It was alleged that you are guilty of a conviction at any time of a relevant offence, in that:

1. On 18 November 2014 you were convicted of:

- a. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;**
- b. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;**
- c. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;**

- d. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;**
 - e. Causing or inciting sexual activity with a female aged 13 -17 amounting to an abuse of a position of trust contrary to s.17 Sexual Offences Act 2003;**
- 2. For your convictions at allegation 1 above, you were sentenced on 20 January 2015 to:**
- a. 12 months imprisonment;**
 - b. Sign on the Sex Offenders Register for 10 years.**

The panel finds the alleged facts proved based on the content of the certificate of conviction from Bristol Crown Court and the transcript of the sentencing hearing. The panel accepted the legal advice that the panel may treat the certificate of conviction as conclusive proof of the commission of the offences concerned.

Findings as to conviction of a relevant offence

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to conviction of a relevant offence.

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 Parsons 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 Parsons 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;
 - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting. Mr Parsons established an inappropriate relationship with Pupil A while he was her teacher.

The panel noted that the behaviour involved in committing the offences had an impact on the safety and wellbeing of Pupil A. The panel noted that, in his sentencing remarks, the judge referred to Pupil A's description of the consequences for her. She was left feeling confused, lost and let down by a teacher to whom she looked up and trusted.

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

The panel has noted that Mr Parsons' behaviour has ultimately led to him receiving a sentence of imprisonment and an order that he sign the Sex Offenders Register for 10 years, which is indicative of the seriousness of the offences committed.

This is a case involving an offence involving sexual activity which the Advice states is likely to be considered a relevant offence.

The panel has taken into account how well regarded Mr Parsons was as a teacher and the fact that he pleaded guilty at the earliest opportunity.

Although the panel acknowledges these mitigating factors, the panel has found the seriousness of the offending behaviour that led to the convictions is relevant to the teacher's ongoing suitability to teach. The panel considers that a finding that these convictions are relevant offences 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 a punitive effect.

The panel has reflected upon the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case,

namely: the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with Pupil A.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Parsons were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel concluded that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Parsons was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel reflected carefully as to whether it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Parsons.

In carrying out the balancing exercise the panel had regard to the public interest considerations both in favour of and against prohibition as well as the interests of Mr Parsons. 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. Mr Parsons' conduct indicates someone who does not understand safeguarding and child protection issues and, therefore, the panel cannot be confident that the conduct would not be repeated;
- abuse of position of trust involving a pupil he was teaching;
- serious sexual misconduct, which stemmed from a pupil/ teacher relationship and continued for a prolonged period. The panel noted that Mr Parsons was an experienced teacher aged 43 when the relationship began and head of department. In his sentencing remarks, the judge said that there were aggravating features including that the sexual intercourse was unprotected. The panel noted that the sexual intercourse resulted in the birth of a child.
- the commission of a serious criminal offence that resulted in a conviction.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel considered whether there were sufficient mitigating factors to militate against a prohibition order being recommended, particularly taking into account the nature and severity of the behaviour in this case.

The panel accepts that Mr Parsons had a previous good record and was a talented teacher. However, his actions were deliberate and sustained. There was no evidence to suggest that he was acting under duress.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations significantly outweigh the interests of Mr Parsons. His conviction, resulting in sentence of imprisonment and a requirement to sign the Sex Offenders Register for 10 years, was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend a review period of the order. The panel was mindful that the Advice suggests 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 Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct. For the reasons stated above, the panel has found that this was serious sexual misconduct.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

In this case the panel has found that the convictions received by the teacher are relevant ones. The panel considers that Mr Parsons 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;
 - showing tolerance of and respect for the rights of others;

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

The panel has gone on to take into account the advice published by the Secretary of State. That advice suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils. Mr Parsons' conduct indicates someone who does not understand safeguarding and child protection issues;
- abuse of position of trust involving a pupil he was teaching;
- serious sexual misconduct, which stemmed from a pupil/ teacher relationship and continued for a prolonged period. In his sentencing remarks, the judge said that there were aggravating features including that the sexual intercourse was unprotected.
- the commission of a serious criminal offence that resulted in a conviction.

I have taken into account the guidance published by the Secretary of State. I have also taken into account the need to be proportionate and to balance the interests of the teacher with the interests of the public.

I support the recommendation made by the panel. This was a serious case and it is proportionate and in the public interest that Mr Parsons be prohibited from teaching.

I have taken into account the mitigating factors considered by the panel. I have also taken into account the advice which indicates that there are behaviours that, if proven, would militate against a review period being allowed. These behaviours include serious sexual misconduct. For the reasons stated above, the panel has found that this was serious sexual misconduct. I therefore support the recommendation that there be no review period.

This means that Mr Simon Parsons 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 Simon Parsons 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 Simon Parsons 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 grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 7 October 2016

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