



National College for  
Teaching & Leadership

# **Mr Igor Zharkov: Professional conduct panel meeting outcome**

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

**March 2018**

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## **Professional conduct panel decision**

**Teacher:** Mr Igor Zharkov  
**Teacher ref number:** 0310040  
**Teacher date of birth:** 24 December 1973  
**NCTL case reference:** 16394  
**Date of determination:** 9 March 2018  
**Former employer:** Ardingly College, West Sussex

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 March 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Zharkov.

The panel members were Mr Peter Cooper (Teacher Panellist – in the chair), Ms Hilary Jones (Lay Panellist) and Mr Melvyn Kershaw (Former Teacher Panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, the National College agreed to a request from Mr Zharkov that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Zharkov provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Zharkov or his representative.

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

Mr Zharkov was not represented.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 October 2017.

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

1. Engaged in an inappropriate and/or romantic relationship with Student A in that he:
  - a. exchanged text messages, WhatsApp messages and Facebook messages with Student A on one or more occasions
  - b. made the following comments to Student A, or comments to the effect:
    - i. that he loved her
    - ii. that he wanted to have a future with her
    - iii. that she was his soul-mate
  - c. had 1:1 tuition lessons with Student A outside of the school setting, and without the school's permission, on one or more occasions
  - d. drove Student A to and from locations in his personal vehicle on one or more occasions
  - e. met up with Student A outside of the school setting, including at the Alexander House Hotel, on one or more occasions
  - f. had meals with Student A outside of the school setting on one or more occasions
  - g. sent one or more personal letters to Student A
  - h. bought Student A presents on one or more occasions, including:
    - i. food
    - ii. valentines' cards
    - iii. a [Redacted]
    - iv. [Redacted]
    - v. earrings
    - vi. shoes

vii. flowers

2. Engaged in an inappropriate relationship with Student B, in that he:
  - a. exchanged inappropriate messages with Student B about Student A, on one or more occasions, including the following messages, or messages to this effect:
    - i. "it is not sex, not now, not until she is 18 and/or wants it"
    - ii. "I cannot stop loving her and never will"
    - iii. "I need to have a romantic relationship with her"
    - iv. "She is my whole life"
    - v. "I am simply incapable of leaving her"
    - vi. "I believe in love no matter the distance"
    - vii. "I never wanted to dump her"
    - viii. "It does not mean I will stop loving her, I just have to agree to the minimum"
    - ix. "I die inside if I do not see her"
  - b. offered to buy Student B gifts on one or more occasions
  - c. discussed his personal life with Student B on one or more occasions
  - d. drove Student B to and from locations in his personal vehicle on one or more occasions
  - e. met up with Student B outside of the school setting on one or more occasions
  - f. attempted to/did give Student B a mobile phone
3. Tried to conceal his inappropriate relationship with Student A and Student B on one or more occasions, in that he:
  - a. told Student A and Student B to delete the messages he had sent
  - b. told Student A and Student B to keep their interactions with him secret
  - c. attempted to/or did give Student B a mobile phone in order to facilitate mobile conversation with Student A and/or Student B

- d. told Student A and/or Student B to change his name on their contact list to a different name in order to disguise his identity
4. Failed to adhere to one or more instructions to desist from inappropriate contact with Student A and/or Student B
5. His conduct as may be found proven at allegation 1 was sexually motivated

The teacher admits the allegations, and that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

There were no preliminary applications.

## **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 2 to 3

Section 2: Notice of Proceedings and Response to Notice of Proceedings – pages 5 to 19

Section 3: Statement of Agreed Facts, presenting officer representations and Notice of Meeting – pages 21 to 28(iii)

Section 4: NCTL documents – pages 30 to 177

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Zharkov on 31 January 2018.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

In advance of the meeting, the National College agreed to a request from Mr Zharkov that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest.

The panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Zharkov has requested a meeting and the panel has the benefit of Mr Zharkov's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

Mr Zharkov was employed as an assistant teacher of physics at Ardingly College on 27 August 2009. Concerns were raised about Mr Zharkov's relationship with Student A in September 2016. Further concerns were then raised about Mr Zharkov's relationship with Student B. Mr Zharkov was suspended by the school pending an investigation into these matters and resigned from his position on 25 January 2017. The school went on to refer Mr Zharkov to the relevant safeguarding authorities.

### **Findings of fact**

Our findings of fact are as followed:

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

- 1. Engaged in an inappropriate and/or romantic relationship with Student A in that you:**
  - a. exchanged text messages, WhatsApp messages and Facebook messages with Student A on one or more occasions**

- b. made the following comments to Student A, or comments to the effect:**
  - i. that you loved her**
  - ii. that you wanted to have a future with her**
  - iii. that she was your soul-mate**
- c. had 1:1 tuition lessons with Student A outside of the school setting, and without the school's permission, on one or more occasions**
- d. drove Student A to and from locations in your personal vehicle on one or more occasions**
- e. met up with Student A outside of the school setting, including at the Alexander House Hotel, on one or more occasions**
- f. had meals with Student A outside of the school setting on one or more occasions**
- g. sent one or more personal letters to Student A**
- h. bought Student A presents on one or more occasions, including:**
  - i. food**
  - ii. valentines cards**
  - iii. a [Redacted]**
  - iv. [Redacted]**
  - v. earrings**
  - vi. shoes**
  - vii. flowers**

The allegation was admitted by the teacher in the agreed statement of facts dated 31 January 2018.

The panel had regard to documentary evidence which showed that Mr Zharkov exchanged messages with Student A and Student B across a variety of social messaging applications which consisted of inappropriate references to his relationship with Student A.

The panel noted that there was evidence that Mr Zharkov carried on providing one to one tuition to Student A contrary to the instructions from the school.



The panel also saw evidence from the school's investigation and disciplinary process that Mr Zharkov drove Student A to and from various locations in his car, that he had meals with Student A outside of the school setting, sent personal letters to Student A and bought her a number of gifts. The panel relied on the evidence of Student A and Student B, provided during the school's investigation, in which they confirmed how the relationship between Mr Zharkov and Student A had developed over time.

The panel found allegation 1 proven on the balance of probabilities.

**2. Engaged in an inappropriate relationship with Student B, in that you:**

**a. exchanged inappropriate messages with Student B about Student A, on one or more occasions, including the following messages, or messages to this effect:**

- i. "it is not sex, not now, not until she is 18 and/or wants it"**
- ii. "I cannot stop loving her and never will"**
- iii. "I need to have a romantic relationship with her"**
- iv. "She is my whole life"**
- v. "I am simply incapable of leaving her"**
- vi. "I believe in love no matter the distance"**
- vii. "I never wanted to dump her"**
- viii. "It does not mean I will stop loving her, I just have to agree to the minimum"**
- ix. "I die inside if I do not see her"**

**b. offered to buy Student B gifts on one or more occasions**

**c. discussed your personal life with Student B on one or more occasions**

**d. drove Student B to and from locations in your personal vehicle on one or more occasions**

**e. met up with Student B outside of the school setting on one or more occasions**

**f. attempted to/did give Student B a mobile phone**

The allegation was admitted by the teacher in the agreed statement of facts dated 31 January 2018.

The panel saw evidence that Mr Zharkov sent a number of inappropriate messages to Student B which related to his inappropriate relationship with Student A.

The panel went on to consider the evidence of Student B that Mr Zharkov offered to buy her gifts.

The panel considered documentary evidence which showed Mr Zharkov drove Student B to and from various locations in his car and that he offered to buy her gifts. The panel relied on the evidence of Student A and Student B, provided during the school's investigation, in which confirmed how the relationship between Mr Zharkov and Student A had developed over time.

The panel also saw evidence that Mr Zharkov provided Student B with an old mobile phone in order to assist his contact with Student A.

The panel found allegation 2 proven on the balance of probabilities.

**3. Tried to conceal your inappropriate relationship with Student A and Student B on one or more occasions, in that you:**

- a. told Student A and Student B to delete the messages you had sent**
- b. told Student A and Student B to keep their interactions with you secret**
- c. attempted to/or did give Student B a mobile phone in order to facilitate mobile conversation with Student A and/or Student B**
- d. told Student A and/or Student B to change your name on their contact list to a different name in order to disguise your identity**

The allegation was admitted by the teacher in the agreed statement of facts dated 31 January 2018.

The panel saw considerable documentary evidence from the school's disciplinary process which confirmed that Mr Zharkov had attempted to conceal his relationship with Student A, and inappropriate contact with Student B, on a number of occasions. This was supported by evidence from Student A and Student B provided to the school at the time of its investigation into the allegations.

The panel found allegation 3 proven on the balance of probabilities.

**4. Failed to adhere to one or more instructions to desist from inappropriate contact with Student A and/or Student B**

The allegation was admitted by the teacher in the agreed statement of facts dated 31 January 2018.

The panel saw evidence that in September 2016, Mr Zharkov was instructed by the school to terminate his inappropriate contact with Student A and Student B. The panel noted that he was given verbal and written instruction by the school with clear parameters as to how he could continue to interact with Student A during school hours, and prohibiting out of hours contact.

The panel went on to consider documentary evidence that Mr Zharkov continued to act outside of these clear instructions on a number of occasions.

The panel found allegation 4 proven on the balance of probabilities.

#### **5. You conduct as may be found proven at allegation 1 was sexually motivated**

The allegation was admitted by the teacher in the agreed statement of facts dated 31 January 2018.

As with all findings of fact, the panel considered this question applying the balance of probabilities. The panel considered whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual. The panel then considered whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose of such words and actions were sexual.

The panel considered whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case. The panel had in mind the evidence of the teacher's character and considered whether such evidence had any bearing on the teacher's credibility or propensity to have carried out the alleged facts or to the circumstances in which the teacher found himself.

The panel considered the evidence that Mr Zharkov had sent a Facebook message to Student B, about Student A stating "It's not sex now, not until she is 18 and/or wants it." The panel also saw evidence that Mr Zharkov prepared and sent a personalised valentine's day card to Student A which stated "For my wonderful Girlfriend... Of all the ways to let you know I love you... my favourite way is just to hold you tightly" and gave her expensive gifts. The panel found this to be clear evidence that Mr Zharkov was sexually motivated in his relationship with Student A.

The panel found allegation 5 proven on the balance of probabilities.

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

Having found all 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 and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Zharkov in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Zharkov 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...
- 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 Zharkov amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Zharkov’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that the offence of sexual activity is relevant.

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.

The panel notes that allegations 1.c, 1.d, 1.e, 1.f, 2.d and 2.e took place outside of the education setting. The panel found that Mr Zharkov’s actions in pursuing a relationship with Student A through taking her for meals outside of the school setting and meeting at a local hotel, at times under the guise of providing one to one sessions, exposed both Student A and Student B to harm.

Accordingly, the panel is satisfied that Mr Zharkov 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 was particularly concerned that as a teacher, Mr Zharkov

had a duty to rigorously uphold safeguarding policies and practices and act as a role model to students, which he failed in this regard.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr Zharkov's actions constitute conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Zharkov, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with students. The panel considered that there had been a serious impact on both Student A and Student B as a direct consequence of Mr Zharkov's actions.

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

In view of 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 Zharkov.

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 Zharkov. 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;
- a deep-seated attitude that leads to harmful behaviour;
- 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 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 and in fact the panel found his actions were sustained and systematic.

There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be calculated and motivated.

The panel accepted that the teacher did have a previously good character.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Zharkov. Mr Zharkov's exploitation of his position of trust, particularly in using one to one sessions,

giving her gifts and discussing possible future sexual contact with Student A, were significant factors in forming that opinion. Additionally, the panel found that Mr Zharkov ignored explicit instructions from the school to act within the bounds of an appropriate relationship with Student A to be a significant concern. 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 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. These behaviours include serious sexual misconduct, 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 found that Mr Zharkov's behaviour towards Student A was sexually motivated. The panel further found that Mr Zharkov used his professional position to increase his contact with Student A, and involved Student B in his actions. The panel therefore found the behaviour of serious sexual misconduct was present.

The panel noted that Mr Zharkov had previously been of good character and admitted the facts in full for the purpose of these proceedings. The panel found that his insight into his actions was limited however as during the course of the school's investigation he initially denied the inappropriate relationship with Student A and then went on to ignore the clear instructions of the school. Mr Zharkov also provided limited evidence that he understood the impact of his actions on Student A and Student B.

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 of the panel in respect of sanction and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring

the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Zharkov should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Zharkov 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is also "satisfied that the conduct of Mr Zharkov amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The panel "has also considered whether Mr Zharkov's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that the offence of sexual activity is relevant."

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Zharkov, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "serious findings of inappropriate relationships with students. The panel considered that there had been a serious impact on both Student A and Student B as a direct consequence of Mr Zharkov's actions."

A prohibition order would therefore prevent such a risk of harm from being present in the future for other students.



I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "his insight into his actions was limited however as during the course of the school's investigation he initially denied the inappropriate relationship with Student A and then went on to ignore the clear instructions of the school. Mr Zharkov also provided limited evidence that he understood the impact of his actions on Student A and Student B."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' well-being. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Zharkhov himself. I have noted that the panel found, "that the teacher did have a previously good character."

A prohibition order would prevent Mr Zharkhov from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has also said, "further found that Mr Zharkov used his professional position to increase his contact with Student A, and involved Student B in his actions."

I have also placed considerable weight on the finding that Mr Zharkhov, "had attempted to conceal his relationship with Student A, and inappropriate contact with Student B, on a number of occasions."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Zharkhov has made to the profession. In my view it is necessary to impose a

prohibition order in order to maintain public confidence in the profession. A published decision that is not fully backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no provision for a review period.

I have considered the panel's comments that are set out as follows "Mr Zharkov's exploitation of his position of trust, particularly in using one to one sessions, giving her gifts and discussing possible future sexual contact with Student A, were significant factors in forming that opinion. Additionally, the panel found that Mr Zharkov ignored explicit instructions from the school to act within the bounds of an appropriate relationship with Student A to be a significant concern."

I have considered whether allowing for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that allowing for any review period is inappropriate. These elements are the sexual misconduct found, the lack of sufficient insight or remorse and the exploitation of his position of trust.

I consider therefore that a prohibition order that allows for no review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Igor Zharkov 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 Igor Zharkov 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 Igor Zharkov has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Alan Meyrick**

**Date: 16 March 2018**

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