



Teaching
Regulation
Agency

Mr Luke Farrant: Professional conduct panel outcome

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

August 2018

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

Teacher:	Mr Luke Farrant
Teacher ref number:	1787331
Teacher date of birth:	19 October 1991
TRA case reference:	16074
Date of determination:	7 August 2018
Former employer:	Jubilee School, Hampshire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 and 7 August 2018 at the Study Inn, 165/175 Corporation Street, Coventry, CV1 1GU to consider the case of Mr Luke Farrant.

The panel members were: Ms Alison Robb-Webb (teacher panellist – in the chair); Mr John Matharu (lay panellist), and Ms Alison Platts (lay panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Lucy Coulson, counsel, instructed by Browne Jacobson LLP solicitors.

Mr Luke Farrant was neither present nor 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 22 May 2018.

It was alleged that Mr Luke Farrant was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as an instructor at the Jubilee School, Hampshire, between September-December 2016, he:

1. Made sexually explicit comments to one or more members of staff, including:
 - a. asking Individual A "are your horny", or similar via snapchat on or around 3 October 2016;

- b. stating to Individual A "You like dick really don't you, come on don't lie, I don't believe that you're a lesbian"; or similar, whilst on a school offsite activity on or around 7 October 2016;
 - c. stating to Individual A "If you were giving me head I would ram my dick down your throat until it made you gag", or similar, whilst on a school offsite activity on or around 7 October 2016;
 - d. stating to Individual A "I had loads of girls this week, a different one on every night of the week ... come on you could be tonight's one with another girl she'd fucking love it", or similar, whilst in school on or around 13 October 2016;
 - e. stating to Individual A "imagine my cock in your mouth" or similar during lessons in September/October 2016;
 - f. sending a message to Individual B saying "come here and give me a kiss" on or around 6 October 2016;
 - g. sending a message to Individual B saying "so when I bite your lip you gonna say no" on or around 6 October 2016;
2. One or more of the comments at 1 above, were made in the presence of one or more pupils;
3. Made and/or attempted to make, inappropriate physical contact with one or more members of staff without their consent including:
- a. grabbed/touched Individual A's bottom whilst in the staff room, on or around 10-14 October 2016;
 - b. Kissed/attempted to kiss Individual B on one or more occasions in the annex at school on or around 6 October 2016 at approximately 21:00;
 - c. Kissed/attempted to kiss individual B, after she had previously pushed him off and told him to stop, and when Individual B turned away he touched/grabbed her bottom and bit her neck, on or around 6 October 2016 at approximately 21:30;
 - d. Grabbed the crotch of Individual A in the staff room in or around October 2016;
4. On or around 20 October 2016 whilst in close proximity to Individual C, he purposively displayed a photograph of a penis on his mobile phone;
5. Requested Pupil A as a friend on Facebook;
6. Messaged Pupil A on Facebook stating that he had added her because "I think you're hot";
7. His conduct at 1 and/or 3 and/or 4 and/or 6 was sexually motivated.

Mr Farrant denied the allegations.

C. Preliminary applications

Proceed in absence

The letter in the TRA bundle containing the notice of proceedings was undated. On the morning of the hearing, the presenting officer explained that, when the letter was originally printed out, the date was not included. However, having noted the omission, the letter was printed out once again which included the date which had been included in the letter sent to Mr Farrant which was dated 22 May 2016. The notice contained the necessary information informing Mr Farrant of the date and location of the hearing, together with the nature of the allegations he faced. The letter also enclosed the Notice of Proceedings Form ("the Notice") for completion and return by Mr Farrant.

Mr Farrant had returned the Notice duly signed and dated 25 May 2018.

As a consequence, the panel was satisfied that Mr Farrant had been given the requisite eight weeks' notice of today's hearing.

In the Notice, Mr Farrant had confirmed in his answers that he did not intend to attend, nor did he intend to be represented. No application for an adjournment had been received.

Furthermore, the panel had been shown an exchange of correspondence between the TRA and Mr Farrant. In that exchange, he confirmed that he denied the allegations. In an email dated 31 July 2018, Mr Farrant confirmed that he was content for the hearing to proceed in his absence and he did not wish the hearing to be adjourned.

In the circumstances, the panel was satisfied that Mr Farrant knew of today's hearing but had voluntarily absented himself. He had therefore waived his right to attend. The panel was satisfied that, on the evidence submitted by the TRA, it would be possible for it to reach findings of fact, taking into consideration the indication from Mr Farrant that he denied the allegations.

The panel decided that no benefit would be gained in adjourning the matter as there was no real prospect of Mr Farrant engaging with the process in the future. The panel determined that it was in the public interest to proceed.

Additional documents

At the outset of the hearing, the presenting officer produced email exchanges between the TRA and Mr Farrant that had taken place in the lead up to the hearing. The panel allowed them into evidence along with a copy of the Notice of Proceedings which included the date it was sent to Mr Farrant, namely 22 May 2018.

Admissibility of hearsay evidence

Ms Coulson applied to admit the written evidence of Individual A. Individual A had been summonsed to attend but had failed to do so.

The panel had been provided with legal advice which it accepted.

The panel had considered whether it was fair to admit Individual A's evidence in that she had provided a written account on the basis of which a number of the allegations had been framed. In conjunction with that, the panel bore in mind that the allegations made by Individual A were serious and, if found proved, could have a very serious effect on Mr Farrant's career as a teacher.

The panel took into consideration the fact that the allegations were denied by Mr Farrant. However, he had decided not to attend the hearing and so Individual A would not have been subjected to cross-examination, even had she attended.

Furthermore, the panel was satisfied that the TRA had taken steps to ensure her attendance by serving her with a summons.

Finally, whilst in respect of certain allegations made by Individual A there was no corroboration, the panel noted that, in respect of allegation 3a, Individual C had witnessed Mr Farrant, "grabbing [Individual A]'s bottom" although there was an inconsistency with regard to where that occurred. Furthermore, both Individuals B and C had given evidence of behaviour on the part of Mr Farrant, which, whilst denied by Mr Farrant, was similar to that alleged by Individual A. He had also accepted in the investigation interview at which the Headteacher, Individual D, was present that he had been "overly flirty" with colleagues although he denied the specific remarks allegedly made. The panel took into consideration that, not only had Individual A provided a statement, but had also reported Mr Farrant's conduct on 12 October 2016 and had attended the Disciplinary hearing on 5 December 2016 and gave an account.

For these reasons, whilst unsatisfactory, the panel concluded that the hearsay evidence of Individual A should be admitted but the panel would consider the weight to be attached to such evidence with a considerable amount of caution.

Indeed, the hearsay evidence on which the TRA relied was not restricted to the evidence of Individual A. Whilst this was not uncommon in TRA proceedings, the panel confirmed that, although admissible in these particular proceedings, it would treat all such evidence with considerable caution, and afford it close scrutiny, when making its findings of fact.

The panel concluded that, in accordance with paragraph 4.18 of the Teacher Misconduct: disciplinary procedures for the teaching profession, the evidence of Individual A may reasonably be considered to be relevant to the case and that, taking into account all the circumstances, it was fair for it to be admitted.

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 2 to 4;

Section 2: Notice of Proceedings and Response – pages 5 to 17;

Section 3: TRA witness statements – pages 18 to 22;

Section 4: TRA documents – pages 25 to 136.

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 TRA:

Individual B, a teaching assistant at the school.

Individual C, a teaching assistant at the school.

Individual D, headteacher at the school.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel had carefully considered the case before it and had reached a decision.

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Jubilee School ("the school") is an independent special school located in Waterlooville, Hampshire. It provides for pupils aged from 8 to 16 years who have special educational needs. Some of those pupils also reside in the Hayfield residential home attached to the school.

In January 2016, Mr Farrant was employed at the school as a PE instructor.

Following allegations of inappropriate conduct on the part of Mr Farrant towards members of staff, Mr Farrant was suspended. A disciplinary hearing took place on 5 December 2016.

By letter dated 7 December 2016, the school wrote to Mr Farrant informing him that the outcome of the disciplinary process was that he was dismissed on the basis of gross misconduct.

Findings of fact

Our findings of fact are as follows:

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

1. Made sexually explicit comments to one or more members of staff, including:

a. asking Individual A "are your horny", or similar via snapchat on or around 3 October 2016;

Mr Farrant had denied using such words towards Individual A. Individual A had not attended to give evidence but had provided a statement to the school in the course of its investigation in which she confirmed that Mr Farrant had used such words towards her. The panel was concerned that Individual A had failed to attend despite being served with a summons requiring her to do so. The panel approached placing reliance on the written evidence of Individual A with much caution.

The sort of terminology alleged to have been directed towards Individual A, and the medium used by Mr Farrant, was similar to the terminology and medium used by Mr Farrant in respect of Individual B under particulars (1)f and (1)g below. The panel had found Individual B to be a reliable and credible witness. Furthermore, Individual B had taken a screenshot of the message she received from Mr Farrant which established that he used snapchat as a means of communicating.

The remarks alleged to have been made by Mr Farrant towards both Individuals A and B also took place at or about the same period of time, namely the beginning of October 2016 when it was understood that Mr Farrant was experiencing personal difficulties. This served as a level of corroborative evidence which the panel took into consideration when exercising its judgement as to the reliability of the written evidence of Individual A. The panel also took into consideration the evidence of Individual C who the panel had also found to be a credible and reliable witness in support of allegation 4 below which again, whilst not identical, was similar in terms of context to the allegations being made by Individual A.

Mr Farrant had suggested that Individuals A and B had colluded in respect of their evidence. However, as stated in its findings under particulars (1)f and (1)g below, having heard from Individual B, the panel was satisfied that no such collusion had taken place.

The panel also took into consideration the fact that Mr Farrant had accepted in his interview with Individual D that he had been behaving in a way which was, "overly flirty". In a Fact Finding Statement Sheet which he had signed on 27 October 2016, he accepted that he had overstepped the mark when sending snapchat messages and that his use of social media in those last two weeks had been inappropriate.

The panel approached the reliance to be placed on the hearsay evidence of Individual A with considerable caution, recognising that it was not possible for it to be tested either by Mr Farrant, who had decided not to attend, or the panel itself. Nevertheless, for the reasons outlined, the panel decided, on the balance of probabilities, to accept the account of Individual A and found the facts of this particular proved.

b. stating to Individual A "You like dick really don't you, come on don't lie, I don't believe that you're a lesbian"; or similar, whilst on a school offsite activity on or around 7 October 2016;

The panel repeated the basis of its approach to its findings in respect of particular 1a above. The panel accepted the written evidence of Individual A and found the facts of this particular proved.

c. stating to Individual A "If you were giving me head I would ram my dick down your throat until it made you gag", or similar, whilst on a school offsite activity on or around 7 October 2016;

The panel repeated the basis of its approach to its findings in respect of particular 1a above. The panel accepted the written evidence of Individual A and found the facts of this particular proved.

d. stating to Individual A "I had loads of girls this week, a different one on every night of the week ... come on you could be tonight's one with another girl she'd fucking love it", or similar, whilst in school on or around 13 October 2016;

The panel repeated the basis of its approach to its findings in respect of particular 1a above. The panel accepted the written evidence of Individual A and found the facts of this particular proved.

e. stating to Individual A "imagine my cock in your mouth" or similar during lessons in September/October 2016;

The panel repeated the basis of its approach to its findings in respect of particular 1a above. It noted that Individual A reported this matter to the SENCO at the school on 12 October 2016. On 17 October 2016, Individual A attended an interview with both the SENCO and Individual D and repeated what she had said to the SENCO on 12 October 2016. This was confirmed by Individual D when they gave their evidence to the panel.

The SENCO had then prepared a written account of her meetings with Individual A on 12 and 17 October 2016 which she signed.

On this basis, the panel found the facts of this particular proved.

f. sending a message to Individual B saying "come here and give me a kiss" on or around 6 October 2016;

Individual B attended to give evidence. The panel found her to be a credible and reliable witness who gave her evidence in a measured way without any attempt to exaggerate.

Individual B confirmed the truth of her witness statement. She had also reported the matter to her mother who had also made a note of what had been said to her. On the basis of Individual B's evidence, the panel found the facts of this particular proved.

g. sending a message to Individual B saying "so when I bite your lip you gonna say no" on or around 6 October 2016.

The panel accepted the evidence of Individual B and also relied on the photostat of the message contained within the bundle and found the facts of this particular proved.

2. One or more of the comments at 1 above, were made in the presence of one or more pupils;

In respect of particulars 1b and c, the panel found that these remarks were made in the presence of pupils during an offsite activity as outlined in the statement of Individual A.

In respect of particular 1e, the panel found that this remark was made whilst in the classroom.

With regard to particulars 1a, d, f and g, the panel was not satisfied that such remarks were made in the presence of pupils.

Consequently, the panel found the facts of this allegation proved in respect of particulars 1b, c and e.

3. Made and/or attempted to make, inappropriate physical contact with one or more members of staff without their consent including:

a. grabbed/touched Individual A's bottom whilst in the staff room, on or around 10-14 October 2016.

The panel repeated the basis of its approach to its findings in respect of particular 1a above. The panel accepted the written evidence of Individual A and found the facts of this particular proved.

b. Kissed/attempted to kiss Individual B on one or more occasions in the annex at school on or around 6 October 2016 at approximately 21:00;

The panel listened to the evidence of Individual B who confirmed that, without any warning, Mr Farrant grabbed her face and tried to kiss her on the lips. Individual B confirmed that Mr Farrant was a large person and that he used force.

Mr Farrant accepted in the course of the Disciplinary Hearing that he had attempted to kiss her.

The panel found the facts of the particular proved.

c. Kissed/attempted to kiss individual B, after she had previously pushed you off and told you to stop, and when Individual B turned away you touched/grabbed her bottom and bit her neck, on or around 6 October 2016 at approximately 21:30;

The panel accepted Individual B's evidence and found the facts of this particular proved. The panel found that Mr Farrant picked up Individual B and tried to kiss her. When she turned her head away, he was still holding her up in the air. He then grabbed her bottom and bit her on the neck in what Individual B described as a sexual way. Individual B told Mr Farrant to get off and pushed him away. Following the incident, Individual B felt sick and uncomfortable.

It had been suggested by Mr Farrant that Individuals A and B had colluded in the preparation of their evidence. Individual B said that she had not spoken to anyone before she provided her initial account. The panel accepted her evidence and held that the suggestion made by Mr Farrant was unfounded. Indeed, Mr Farrant accepted in the fact-finding interview and in the course of the Disciplinary hearing that he had behaved in this way save for biting Individual B's neck.

On this basis, the panel preferred the evidence of Individual B and found, on the balance of probabilities, the facts of this particular proved.

d. Grabbed the crotch of Individual A in the staff room in or around October 2016.

The evidence relating to this particular was contained in the signed account of the SENCO as set out under particular 1e above. Whilst approaching its finding with considerable caution, as this was evidence based on a report on what had been said to the SENCO, the panel decided that, on the balance of probabilities, this was an accurate account of what had been said. There was no reason to believe that the SENCO would have recorded what was said inaccurately, particularly taking account of the unusual nature of what had been said. The panel therefore repeated the basis of its approach to its findings in respect of particular 1e above and found this particular proved.

4. On or around 20 October 2016 whilst in close proximity to Individual C, you purposively displayed a photograph of a penis on your mobile phone;

Individual C attended to give evidence. The panel found her to be a credible and reliable witness and she provided helpful evidence to the panel. She had only been employed at the school for a matter of weeks and did not know Mr Farrant before she started at the school. Individual C stated, and the panel found, that she was alone with Mr Farrant in the staff room and he was scrolling down the photographs stored on his mobile phone. They were sitting next to each other when he did so and he then deliberately tapped on one particular photograph which was of a penis and he deliberately showed it to Individual C.

The panel found the facts of this allegation proved.

5. Requested Pupil A as a friend on Facebook;

6. Messaged Pupil A on Facebook stating that you had added her because "I think you're hot"

In respect of allegations 5 and 6, the panel was satisfied that it was Mr Farrant who had requested Pupil A as a friend on Facebook. The panel relied on the oral evidence of Individual D in respect of what had been written on the Facebook account which was consistent with his written account prepared for the purposes of his investigation report.

The panel did not find Mr Farrant's explanation plausible, namely that his account had been hacked. In the course of the school's investigation, Mr Farrant could offer no explanation why or how his account had been hacked. When asked on what basis a person who had hacked his account would have sent such a message to Pupil A, he said that it must have been someone else at the school who had been responsible. He also had disposed of his phone on the following day which he accepted was suspicious. The panel noted that, as soon as his message had been received, Pupil A had replied to say that such a message was inappropriate. The panel found that he said that his account had been hacked as an excuse to distance himself from what he had written. However, the message had been sent on the Saturday and, on the following Monday, Pupil A had been to see the Headteacher and showed him the message she had received.

On this basis, the panel found the facts of allegations 5 and 6 proved.

7. Your conduct at 1 and/or 3 and/or 4 and/or 6 was sexually motivated.

The panel was satisfied, on the balance of probabilities, that it was appropriate to infer from the panel's findings of fact as set out above that Mr Farrant had used such language as particularised in allegation 1 and engaged in the conduct outlined at allegations 3, 4 and 6 to achieve some level of sexual gratification.

When reaching its judgement, the panel had taken account of the fact that, in his favour, Mr Farrant was understood to be a person of previously good character. Furthermore, Individual A had said in her statement, and Individual B had said in her oral evidence, that Mr Farrant's behaviour was out of character. However, having found the facts of the particulars of the allegations proved, the panel considered that the only proper inference to be drawn from such facts was that Mr Farrant's behaviour was sexually motivated. Consequently, the panel found the allegation proved.

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

Having found the allegations to have been proved on the basis outlined above, the panel had gone on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel referred to as "the Advice".

The panel was satisfied that the conduct of Mr Farrant in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Mr Farrant was 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
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- 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 was satisfied that, on the facts found proved in the allegations above, the conduct of Mr Farrant amounted to unacceptable professional conduct in that it was misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel therefore found Mr Farrant guilty of unacceptable professional conduct.

The findings of misconduct were 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 found that Mr Farrant's actions constituted 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 was an appropriate and proportionate measure, and whether it was in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame had been apportioned, although they were likely to have a punitive effect.

The panel had considered the particular public interest considerations set out in the Advice and, having done so, had found each of them to be engaged 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 Farrant, which involved serious findings of conduct which was sexually motivated involving a number of female members of staff and a pupil, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also 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 Farrant was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel had 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 Farrant. In considering the issue of proportionality, the panel had applied the following test, namely whether a less intrusive measure could be used without unacceptably compromising the achievement of the relevant objective and whether, having regard to these matters and the severity of the consequences for Mr Farrant, a fair balance can be struck between the rights of Mr Farrant and the interests of the public.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition. The panel took further account of

the Advice, which suggested that a prohibition order may be appropriate if certain behaviours of a teacher had been proven. In the list of such behaviours, the one relevant to this case was:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- findings of conduct which was sexually motivated.

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.

The panel noted that Mr Farrant was a person of previous good character.

Whilst there was no obligation for him to do so, the panel considered that it was unfortunate that it had not been able to hear from Mr Farrant regarding his personal circumstances which existed at the time of his conduct which gave rise to these proceedings. The panel had heard from the witnesses called by the TRA and had read in the documents that Mr Farrant had been going through a particularly difficult time. It was suggested that his behaviour was out of character. However, without more, it was not open to the panel to place any great weight on such circumstances. In any event, no amount of stress or pressure which Mr Farrant may have been experiencing excuses the completely unacceptable behaviour which had been found to have occurred and which caused substantial upset and distress to three young teaching assistants and a pupil.

Individual D had stated that he did not consider that, throughout his investigation, Mr Farrant was being honest and straightforward. Individual D described Mr Farrant's behaviour as, "cagey" and that he would only accept conduct alleged against him as and when disclosures were made verifying the behaviour. Individual D stated that Mr Farrant's behaviour had been erratic and unprofessional.

Mr Farrant had denied all of the allegations and had failed to acknowledge any aspect of his behaviour or the consequences of it, other than to accept that he had been, "overly flirty" and he apologised for any upset that he had caused. The result of Mr Farrant's approach was that the panel concluded that he had neither any true insight into, nor remorse for, his behaviour which had been deliberate and there was no suggestion that he was acting under duress.

The panel considered whether the public announcement of the panel's findings of unacceptable professional conduct and conduct that may bring the profession into disrepute would unacceptably compromise the achievement of the relevant objective, namely, the protection of the public interest, having regard to the severity of the

consequences for Mr Farrant. However, this case involves serious findings, to include a finding of conduct which was sexually motivated.

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 panel had considered the Advice which indicates that there are behaviours that, if proven, would militate against a review period being recommended. This includes cases of deliberate behaviour that undermines pupils and colleagues. It also includes sexual misconduct involving actions that were sexually motivated.

In the face of a blanket denial by Mr Farrant in respect of all the allegations, and in the absence of any indication of genuine insight or remorse, the panel concluded that the risk of a repetition of such behaviour was unacceptably high, particularly if Mr Farrant were to find himself once again in a situation where he was under pressure in his personal life. He had provided no evidence to the panel on the strength of which the panel could be reassured that, at some stage, he would have taken measures which would result in that risk of repetition being reduced to an acceptable level.

In its judgement, the panel decided the findings indicated a situation in which a review period would be inappropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without Mr Farrant being entitled to apply for a review.

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 the vast majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In the case of allegation 2 I have noted that the panel found the matters 1b 1c and 1e proven. For those other matters I have put them from my mind entirely. The panel has made a recommendation to the Secretary of State that Mr Farrant should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Farrant 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
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- 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 finds that the conduct of Mr Farrant fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sexual misconduct.

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 Farrant, 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 made "serious findings of conduct which was sexually motivated involving a number of female members of staff and a pupil,". A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "a blanket denial by Mr Farrant in respect of all the allegations, and in the absence of any indication of genuine insight or remorse, the panel concluded that the risk of a repetition of such behaviour was unacceptably high, particularly if Mr Farrant were to find himself once again in a situation where he was under pressure in his personal life."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well being of colleagues and pupils. 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, "The findings of misconduct were 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 Farrant himself. The panel say, "The panel noted that Mr Farrant was a person of previous good character." The panel also comments, "The panel had heard from the witnesses called by the TRA and had read in the documents that Mr Farrant had been going through a particularly difficult time. It was suggested that his behaviour was out of character. However, without more, it was not open to the panel to place any great weight on such circumstances."

A prohibition order would prevent Mr Farrant 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 said, "The result of Mr Farrant's approach was that the panel concluded that he had neither any true insight into, nor remorse for, his behaviour which had been deliberate and there was no suggestion that he was acting under duress."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Farrant 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 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 "this case involves serious findings, to include a finding of conduct which was sexually motivated."

I have considered whether allowing for a 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 a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the sexual misconduct found, the involvement of pupils and the lack of either insight or remorse.

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

This means that Mr Luke Farrant 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 Luke Farrant 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 Luke Farrant 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: 8 August 2018

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