



Teaching
Regulation
Agency

Mr Andrew Parkinson: Professional conduct panel outcome

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

May 2022

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

Teacher:	Mr Andrew Parkinson
Teacher ref number:	0667321
Teacher date of birth:	10 December 1980
TRA reference:	18054
Date of determination:	11 May 2022
Former employer:	Batley Grammar School, West Yorkshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 9 to 11 May 2022 by way of an in-person hearing, to consider the case of Mr Andrew Parkinson.

The panel members were Mr Alf Bean (lay panellist – in the chair), Mr John Martin (teacher panellist) and Mrs Julie Beck (lay panellist).

The legal adviser to the panel was Ms Natalie Kent of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Sarah Vince of Browne Jacobson solicitors.

Mr Parkinson was not present and was not represented.

The hearing took place by way of an in-person hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 8 March 2022.

It was alleged that Mr Parkinson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the director of learning for mathematics and technology at Batley Grammar School between 1 September 2017 and 11 January 2019:

1. On or around 2 November 2018 and in respect of Colleague A during a car journey [REDACTED] he engaged in sexual contact with her which was without her consent namely:
 - a. Touched her breasts over her dress;
 - b. Touched her [REDACTED] and/or [REDACTED]; and
 - c. Kissed the side of her face.

Mr Parkinson denied the facts of allegation 1, as set out in the response to the notice of referral dated 12 January 2021 and in his undated statement.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Parkinson was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Parkinson.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the notice of proceedings had been sent to Mr Parkinson in accordance with the Teacher misconduct: disciplinary procedures for the teaching profession 2018 (the 'Procedures').

The panel had sight of the email correspondence with Mr Parkinson on 27 April 2022 and 28 April 2022, in which he confirmed: (1) that he voluntarily waived his right to attend the final hearing; (2) that he was content for the panel to make a decision in his absence; and (3) that he understood that the panel may make findings against him which may lead to the imposition of a prohibition order. On this basis, the panel concluded that Mr

Parkinson's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Parkinson had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Parkinson was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay, in particular the vulnerable witness who had attended in person.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Parkinson was neither present nor represented. However, the panel was also aware that it was within its discretion to draw adverse inferences from Mr Parkinson's non-attendance should it consider that it would be fair and reasonable to do so.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the Procedures apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Notice of referral, hearing and response – pages 6 to 20;
- Section 2: Teaching Regulation Agency documents – pages 22 to 131;
- Section 3: Teaching Regulation Agency witness statements – pages 133 to 191; and
- Section 4: Teacher documents – pages 194 to 207.

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

Witnesses

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

- Colleague A [REDACTED];
- Individual B [REDACTED];
- Individual C [REDACTED];
- Individual D [REDACTED]; and
- Individual E [REDACTED], Police Officer.

Decision and reasons

The panel carefully considered the case before it and announced its decision and reasons as follows:

Mr Parkinson was employed as director of learning for mathematics and technology at Batley Grammar School ('the School') from 1 September 2017, until he resigned on 11 January 2019.

On 2 November 2018, [REDACTED], Mr Parkinson allegedly sexually assaulted another colleague, Colleague A, during the journey [REDACTED].

A referral was made to the police on 4 November 2018 by the alleged victim and Mr Parkinson was cautioned and bailed pending investigations. The police informed the LADO and the School on 5 November 2018.

The School conducted its own investigation into the alleged misconduct and representatives attended meetings with the LADO on 21 November 2018 and 19 December 2018. During the meeting on 19 December 2018, it was agreed that on the balance of probabilities the allegation of misconduct against Mr Parkinson was substantiated.

The School was advised that the forthcoming disciplinary hearing should be held and that, should the School decide the evidence amounted to gross misconduct resulting in dismissal or if Mr Parkinson resigned, a referral should be made to the relevant regulatory bodies.

Prior to the disciplinary hearing, Mr Parkinson tendered his resignation.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 2 November 2018 and in respect of Colleague A during a car journey [REDACTED] you engaged in sexual contact with her which was without her consent namely:**
 - a. Touched her breasts over her dress;**
 - b. Touched her [REDACTED] and/or [REDACTED]; and**
 - c. Kissed the side of her face.**

The panel noted that, within the response to the notice of referral dated 12 January 2021 and in Mr Parkinson's undated statement, Mr Parkinson denied the facts of allegation 1 in their entirety. The presenting officer submitted that this was not a case of a misunderstanding as to consent or "*crossed wires*" and that Mr Parkinson denied these events happened at all.

The panel considered Mr Parkinson's pre-prepared statement for the police and also the representations that he had made through his then legal adviser, both of which were submitted as part of the bundle. Mr Parkinson conceded that he had "quite a bit to drink" [REDACTED]. He admitted that he sat in the back of the car as he wanted to sleep during the journey [REDACTED]. Mr Parkinson admits that he placed Colleague A's legs on top of his, as there was very little space in the back of the car, although there was a discrepancy between the pre-prepared statement provided to the police and the representations made to the TRA in this regard. After having a beer in the back of the car, Mr Parkinson submitted that he fell asleep. Mr Parkinson did not remember the car journey until the car stopped to drop Colleague A at [REDACTED]. In addition to the above, Mr Parkinson also accepted that he walked some of the way [REDACTED]. Mr Parkinson admitted that he called Colleague A after the alleged incident, but he claims that this was only to see if she was okay as he had been informed that she was upset.

The panel was mindful that Mr Parkinson's evidence had not been tested, either by it or within the school's disciplinary process, as Mr Parkinson had tendered his resignation prior to the disciplinary meeting.

The presenting officer took the panel through the serious nature of the allegations and set out the contextual background against which the allegations were made.

The panel then heard evidence from the following witnesses:

Colleague A:

The panel considered the witness statement and oral evidence of Colleague A. The panel found Colleague A to be a credible and compelling witness. They were impressed by the clarity of her answers. The panel accepted that there were areas when Colleague A needed to refer to her earlier statements but that this was only in respect of the smaller details of the surrounding circumstances and that she was otherwise very clear in her recollection of the alleged sexual assault.

Colleague A submitted that, prior to the incident, Mr Parkinson was a well-respected teacher within the school at which [REDACTED], who was influential to students and staff and had a lot of experience working in schools. She thought of him as an approachable and caring individual and felt comfortable in asking for his advice, referring to him as her “*work dad*”.

Colleague A submitted that, on the evening of 2 November 2018, after attending [REDACTED], Colleague A got a lift home from Individual B. Colleague A recalled Mr Parkinson being very drunk and having to hold him up on the way through the carpark to Individual B’s car. Colleague A recalled how earlier during the day at around 6 or 7pm, Mr Parkinson had told her that he had noticed that she had “*a nice set of boobs*” and had squeezed her bottom whilst [REDACTED]. Colleague A told the panel how this “*rattled*” her but she thought nothing more of it at that stage.

When the time came to leave [REDACTED], Colleague A tried to manoeuvre Mr Parkinson into the front passenger seat, but he would not get in, as he wanted to sit in the back. Colleague A felt uneasy about this, given that Mr Parkinson was so drunk. However, she felt she was unable to argue with him and got into the rear of the car. Just before they set off, Individual C grabbed a box of beers from the rear of the car and placed the box of beers in his foot well. This resulted in the back of the car being more cramped than it had been. Colleague A recalled that soon after this, Mr Parkinson put his right arm around her shoulders. She stated that this made her feel slightly uncomfortable but she tried to ignore it, as she believed it was just a friendly gesture.

Mr Parkinson then proceeded to pick up Colleague A’s legs, placing them on his lap. It was at this point, Colleague A submits, that she started to realise this was not just a friendly gesture. Soon after, Mr Parkinson started to touch Colleague A’s breasts over her dress and then put his right hand down her dress to directly touch her breasts. Colleague A recalls that Mr Parkinson felt her [REDACTED] and recalls him saying, “*I wonder what [REDACTED] you’ve got*”. Colleague A recalls being shocked at this as she deemed this completely inappropriate and remembers responding abruptly to say, “*Nothing*”.

Colleague A recalled how Mr Parkinson then moved his left hand up and down her legs and eventually moved further up her dress, [REDACTED]. Colleague A was shocked and

froze and stated that it "*felt like time stood still*". However, Colleague A is quite clear in her testimony that she did not do anything to suggest she welcomed this behaviour. Colleague A stated that her reaction to the situation was to completely ignore it and felt that was the best reaction at the time. [REDACTED].

Colleague A recalls trying to get the attention of Individual C as he was also sat in the back, but he did not notice. Colleague A described how, at this point, she felt "*desperate, lonely and scared*" as she was in a car with [REDACTED] whom she thought she knew and could trust.

This continued for a period of time. Colleague A was unable to say definitely how long this went on for but estimated it to be around an hour. Colleague A cannot remember much else about the car journey aside from these incidents as she says she fixated on the sat-nav system and tried to block everything out. Colleague A described how she only got her bearings back when she realised they were close to [REDACTED].

Once the car had stopped outside [REDACTED], Colleague A submits that she exited the car as quickly as she could to get away. She then asked Individual C, "*Aren't you getting a taxi [REDACTED]?*", as she wanted him to come in with her as she felt she needed to tell someone what had happened [REDACTED] Colleague A then explained to Individual C what had happened. Whilst she was explaining to Individual C, Mr Parkinson tried to call her on her mobile phone. Colleague A told the panel that this was very unusual and Mr Parkinson had never rang her before out of the blue, [REDACTED]. She did not want to answer it due to what had happened and Individual C agreed that she should not.

When questioned about her memory of Mr Parkinson kissing the side of her face, Colleague A submitted that she couldn't remember this but she remembered the feel and sound of his breathing very close to her face, in her ear and on her neck. When taken to the part in the statement she had provided to the school in respect of this, Colleague A conceded that whilst she couldn't specifically remember it happening, she was sure that if she had said it at the time then it must have happened as the statement was taken very soon after the incident and three and a half years have passed since then. The panel was understanding of the deterioration of memory due to the passage of time and formed a view that it had no evidence before it to suggest that the statement at the time was not truthful and accurate.

Colleague A described to the panel how in December 2018, [REDACTED].

The panel considered the oral testimony provided by Colleague A in conjunction with the various written evidence which had been provided within the bundle. The panel noted that the evidence which Colleague A had provided at each stage (to Colleague C, the police, the school, the TRA and in her oral evidence) had been consistent throughout. The panel noted that it had no evidence to suggest that Colleague A had made the allegation up and had been provided with no evidence of a motive for her doing so.

Individual B:

The panel noted the witness statement and oral evidence of Individual B who had been the driver of the car on the night of the alleged incident. The panel found Individual B to be a credible witness.

Individual B submitted that Mr Parkinson wanted to sit in the back seat on the way home, despite being adamant on the way [REDACTED] that he needed to sit in the front seat due to suffering with travel sickness. Individual B challenged Mr Parkinson about this, but Mr Parkinson replied simply by saying he was likely to fall asleep anyway.

Individual B described how Mr Parkinson had been extremely drunk [REDACTED]. He commented that Mr Parkinson had been uncoordinated and clumsy and gave details about how he had spilt his beer, dropped food off his plate and tried to light a cigarette at the wrong end by way of examples to demonstrate this. Individual B also said that Colleague A was drunk, but accepted that Mr Parkinson was “*without a doubt*” the more drunk of the two of them.

Individual B stated that by the time he got to the car, he was eager to leave. Individual B submitted that he did not pay any attention to anything happening within the car, as he was trying to concentrate on driving, even turning up the music to a level which drowned out any of the passengers’ conversations. He further detailed how the road [REDACTED] was not lit and so, in his view, it was even more important for him to concentrate on the road rather than what was going on in the car. Individual B recalled that he did notice Mr Parkinson and Colleague A were more closely sat together than Colleague A and Individual C. However it never crossed his mind that anything untoward was going on. Notwithstanding this, Individual B told the panel that had he been aware of any inappropriate behaviour such as that detailed in the allegations, he would have stopped the car and dealt with it.

The panel accepts Individual B’s account that he did not notice anything untoward occurring in the back of the car.

Upon nearing [REDACTED], Individual B turned down the music and asked Colleague A for directions [REDACTED]. Within Individual B’s statement, he recalled there being a real difference in Colleague A’s manner; she seemed very confused and uncertain by his question and seemed unable to provide any meaningful responses, whereas at the start of the journey she had been merry and chatty. Individual B put this down to Colleague A having been asleep and woken up a bit dazed.

When they arrived at [REDACTED], Individual B pulled over on the near side of the road, across the road from [REDACTED]. Individual B recalls all three rear seat passengers exiting the car and believes Individual C said he needed to use the toilet so followed Colleague A [REDACTED]. Individual B was increasingly frustrated at this point

[REDACTED] and Individual C was taking longer than expected. Individual B submitted that after around 5 minutes Individual C came back out and told Individual B that Colleague A had made a mess and that he would stay with her and get a taxi home. Individual B recalls telling Individual C to make sure she was safe. At this point, Mr Parkinson offered to help with Colleague A and Individual B recalls Individual C being adamant that he shouldn't help. Individual B stated that the speed and certainty with which Individual C declined Mr Parkinson's offer of help seemed odd to him at the time but he did not think there was anything to worry about.

[REDACTED].

Later that evening, Individual C disclosed by telephone call to Individual B that Colleague A had told him that Mr Parkinson had sexually assaulted her in the car. Individual B remembers telling Individual C to go into "safeguarding mode" and told Individual C that he should write down everything that Colleague A had told him about the alleged incident that evening.

Individual C:

The panel noted the witness statement and oral evidence of Individual C. The panel found Individual C to be a credible witness.

Individual C submitted that on the way [REDACTED], Mr Parkinson had wanted to sit in the front seat, but on the journey home Mr Parkinson was in the rear of the car. Individual C recalls thinking this seemed odd but did not think too much of it [REDACTED].

Individual C recalled that he brought a box of beers, which had been left outside the car [REDACTED], into the rear of the car for the way [REDACTED]. He could not recall where he had positioned them, but on review of his statements confirmed that he placed them in his foot well, which resulted in his feet being squashed against the car door. Individual C stated that it was possible he fell asleep for part of the journey on the way home and stated that he believed his head would have been resting on the window for much of the journey. Individual C recalls Colleague A shuffling in the rear of the car but did not notice anything untoward occurring. Individual C does not have any recollection of Colleague A trying to grab him or get his attention during the car journey home.

Individual C could not recall the circumstances in which Colleague A exited the car but on review of his statement he recalled that, upon arriving at [REDACTED], she exited the car very quickly and in fact would have had to climb over either himself or Mr Parkinson to get out of the car. Individual C recalls that Colleague A appeared upset and she ran across the road to [REDACTED]. Individual C was concerned and so followed Colleague A [REDACTED] to check on her. Individual C does not recall Colleague A mentioning to him about him getting a taxi from [REDACTED].

Individual C recalled how Colleague A had been visibly upset at this point and believes she told him, “*Don’t let Andy [Mr Parkinson] come in*”. Individual C told Colleague A that he would get his stuff from the car and return and stay with her for a while. He then informed Individual B that he was going to stay. Individual C recalls Mr Parkinson offering to help and check on Colleague A and believes he told Individual B at this point that Colleague A did not want him [REDACTED], which led Individual B to tell Mr Parkinson to get back in the car.

Individual C then returned [REDACTED] and Colleague A told Individual C what had happened in the car. Individual C recalls finding this disclosure sobering as he was concerned for Colleague A and anxious to ensure he was doing the right thing and being helpful. Individual C recalls having a conversation with Individual B to inform him and recalls Individual B telling him to treat it as a safeguarding disclosure and ensure everything was written down. Individual C told the panel how he then went back to Colleague A and asked her to start from the beginning and he then made notes of the disclosure, which the panel was provided within the bundle.

The panel found this contemporaneous note particularly helpful in its determination as it was mindful that it had been taken very shortly after the incident and had been provided to Individual C [REDACTED] on the next school day. During his oral evidence, Individual C read parts of the note to the panel that were otherwise difficult to read.

While Colleague A was making her disclosure to Individual C, Individual C recalled seeing an incoming call from Mr Parkinson on Colleague A’s mobile phone. Individual C told the panel that he offered to take the call on Colleague A’s behalf but that she did not want him to do so and they let the call ring out. Individual C did not receive a call from Mr Parkinson himself.

[REDACTED]

Individual D:

The panel noted the witness statement and oral evidence of Individual D who was sat in the front passenger seat on the journey [REDACTED]. The panel found Individual D to be a credible witness.

Individual D said he was surprised that Mr Parkinson had sat in the rear of the car on the return journey having made a fuss about suffering from travel sickness on the way [REDACTED] and the need to sit in the front of the car. Individual D does not recall anyone challenging Mr Parkinson about this, although he accepts that he may not have been listening. Individual D told of how he slept most of the way [REDACTED] and only remembered waking up as the car arrived at [REDACTED] because the car door had slammed. Individual D recalled thinking it unusual that Colleague A did not say goodbye [REDACTED] and noticed that Individual C seemed concerned but did not know why.

Individual D heard of the allegations upon returning to the School the following Monday.

Individual E:

The panel noted the witness statement and oral evidence of Individual E.

Individual E submitted that in her experience in investigating sexual assaults, it is not uncommon for a victim to react as Colleague A alleges she did, in not fighting and effectively shutting down and ignoring the assault. Individual E further submitted that there was no set response to a sexual assault.

Individual E also confirmed that if the allegations were found to be true, this would have constituted a serious sexual assault and confirmed that because the CPS had decided not to proceed, this did not mean that the alleged incident had not occurred.

Overall, the panel was mindful that the alleged incident was said to have occurred in November 2018, some three and a half years ago, and it was aware of the deterioration of memory over the passage of time. Notwithstanding this, the panel found that the witness evidence with which it had been provided was consistent, between witnesses, between their statements and the oral evidence provided at the hearing. In particular there were a number of key points, which each of the witnesses who had attended the wedding were able to corroborate:

1. Mr Parkinson was very intoxicated and the most drunk of those in the car.
2. There was a change in Colleague A's demeanour over the course of the car journey [REDACTED]. Each of the witnesses present has confirmed she left the car with a sense of urgency.
3. The rear of the car was particularly cramped and each of the witnesses confirmed that the car was dark and the journey [REDACTED] was primarily on unlit roads.
4. Each of Individual B, Individual C and Individual D confirm Mr Parkinson had stated he needed to sit in the front of the car on the way [REDACTED] due to suffering from travel sickness. Each of those witnesses was surprised that he had chosen to sit in the back on the way [REDACTED]

The panel accepted that only Colleague A was able to speak to the incident as nobody else in the car had witnessed the incident or been aware of it at the time. Notwithstanding this, the panel found Colleague A's evidence both credible and candid. The panel accepted that Colleague A was under the influence of alcohol at the time of the alleged incident, but not to the degree that it undermined her credibility. It was significant in the panel's view that Colleague A made an immediate disclosure on the night of the alleged incident to Individual C and followed this up with a report to the police the next day.

The panel found that it had not been provided with any explanation of the events surrounding the alleged assault by Mr Parkinson, other than his pre-prepared police statement and the representations provided through his then legal representative.

According to the oral evidence which the panel heard, which the panel found credible, there were a number of things which Mr Parkinson did on the evening of the alleged incident which the panel found important in coming to its decision:

1. Mr Parkinson sat in the back of the car, despite having declared he would be travel sick if he did so [REDACTED].
2. Mr Parkinson put Colleague A's legs across his own.
3. Mr Parkinson asked Individual B to drop him off around 2km from his home, stating he would walk the remainder, despite Individual B telling him he would be passing much closer to his house.
4. Mr Parkinson made a telephone call to Colleague A after she had been dropped off [REDACTED]. Colleague A submitted in her evidence that he had never previously done this [REDACTED].
5. [REDACTED]

Although the panel accepted that these details alone might have had limited significance, their cumulative effect, in conjunction with the oral evidence of the witnesses, which the panel found compelling and believable, led the panel to form the view that the facts as set out in the allegations did occur in the car journey [REDACTED].

On the balance of probabilities, the panel found allegations 1(a), 1(b) and 1(c) proven. Whilst it was not a specific allegation, the panel also found on a balance of probabilities that Mr Parkinson had touched Colleague A's [REDACTED].

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: the prohibition of teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Parkinson, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Parkinson 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:
 - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
 - 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 was satisfied that the conduct of Mr Parkinson, and in particular the power imbalance between himself and Colleague A due to his senior position within the school, amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Parkinson's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that, even though there had been no conviction, behaviours associated with an offence involving sexual activity were relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting in that they took place during a car journey [REDACTED], and therefore were outside of the school environment and school hours. The allegations did, however, involve a colleague at the School. The panel considered Mr Parkinson's actions related to his profession.

Accordingly, as a result of the breach of professional standards, coupled with the extremely serious sexual misconduct, the panel was satisfied that Mr Parkinson was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. [REDACTED]

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

The panel therefore found that Mr Parkinson's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(a), 1(b) and 1(c) proved, the panel further found that Mr Parkinson's conduct amounted to both unacceptable professional conduct and 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 was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Parkinson, which involved sexual contact with Colleague A without her consent, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Parkinson was not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator in his subject. This was demonstrated by the meeting records from the school disciplinary, in which the Executive Principal of the school referred to Mr Parkinson as an "*excellent Maths teacher*" and went on to say that "*his absence was bound to have impact*".

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 Parkinson.

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 Parkinson. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position or trust; and
- sexual misconduct, for example, 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 some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Parkinson's actions were not deliberate.

There was no evidence to suggest that Mr Parkinson was acting under extreme duress.

The panel noted the letter from Mr Parkinson's former representative, which set out Mr Parkinson's response to the allegations, together with Mr Parkinson's statement. Mr Parkinson cooperated with the School's disciplinary process and he attended meetings and provided a prepared statement, but was unable to comment on the ongoing police investigation under legal advice. In addition, the police decided to take no further action against Mr Parkinson. The panel noted letters from the police and the DBS confirming the same. The letter from Mr Parkinson's representative also submitted that Mr Parkinson had previous good history and had no record of any previous convictions or charges in relation to similar offences and no previous referrals to any regulatory bodies.

In Mr Parkinson's statement he submitted that, since resigning from his role at the School, he has suffered severe emotional consequences. Within the oral evidence of Individual C, the panel was told that Mr Parkinson had been working at another school [REDACTED] up until around December 2021. The panel heard submissions from the presenting officer that Mr Parkinson was still paying into his teacher's pension as recently as March 2022 and it is therefore believed that he may still be teaching.

No evidence was submitted to attest that Mr Parkinson had demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel noted a character statement submitted by [REDACTED] on Mr Parkinson's behalf. In particular, the panel noted the following:

"Andrew proved to be an excellent teacher and leader, displaying excellent interpersonal skills with both staff and students alike."

"Under his leadership newly qualified teachers became excellent teachers developing a real passion for teaching, more experienced teachers were encouraged to develop their skills and in several cases were themselves promoted to leadership roles both within the school and externally."

"Andrew was valued across the school, in his role as the Head of the Mathematics Faculty he worked with other faculty leaders to develop the school curriculum through the faculty leadership group who met regularly to ensure that the curriculum and delivery were consistent across the school."

"Andrew's relationships in the classroom were excellent, he showed respect for his students and developed not only their mathematics skills but also provided pastoral support for students not only in his own classes but as a faculty leader..."

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 would be sufficient.

The panel considered whether Mr Parkinson had shown insight into his actions. The panel noted that Mr Parkinson had denied the allegations in their entirety. While the panel was mindful that denial of misconduct is not an absolute bar to a finding of insight, and nor does maintenance of innocence equate to a lack of insight, the panel found there was no evidence that Mr Parkinson had demonstrated insight or remorse into his actions.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. In light of the serious sexual misconduct which the panel have found proven, recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Parkinson of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Parkinson. The seriousness of the misconduct, the lack of insight or remorse for his actions and the grave impact his actions have had on Colleague A were significant

factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states 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 proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as 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 his professional position to influence or exploit a person or persons. The panel found that Mr Parkinson was responsible for engaging in sexual contact with Colleague A without her consent.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Mr Parkinson was not responsible for any such behaviours.

The panel decided that 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 provisions 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 both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published 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 Andrew Parkinson should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Andrew Parkinson 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:
 - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position; and
 - 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 was also “satisfied that the conduct of Mr Parkinson, and in particular due to his senior position within the school, amounted to misconduct of a serious nature which 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 on the part of a teacher.

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 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 Parkinson, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “The panel also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel considered whether Mr Parkinson had shown insight into his actions. The panel noted that Mr Parkinson had denied the allegations in their entirety. While the panel was mindful that denial of misconduct is not an absolute bar to a finding of insight, and nor does maintenance of innocence equate to a lack of insight, the panel found there was no evidence that Mr Parkinson had demonstrated insight or remorse into his actions.”

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils and colleagues. 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 panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community." I am particularly mindful of the finding of sexual misconduct in this case and the panel's comment, "The findings of misconduct are extremely serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 Parkinson himself. The panel comment "No evidence was submitted to attest that Mr Parkinson had demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector."

A prohibition order would prevent Mr Parkinson 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, "The seriousness of the misconduct, the lack of insight or remorse for his actions and the grave impact his actions have had on Colleague A"

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Parkinson 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, in light of the circumstances in this case, that is not backed up by full 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 intended aims of a prohibition order.

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

I have considered the panel's comments, "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as 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 his professional position to influence or exploit a person or persons. The panel found that Mr Parkinson was responsible for engaging in sexual contact with Colleague A without her consent."

I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that not allowing for a review period is necessary are the serious nature of the sexual assault and that, "The panel noted that Mr Parkinson had denied the allegations in their entirety. While the panel was mindful that denial of misconduct is not an absolute bar to a finding of insight, and nor does maintenance of innocence equate to a lack of insight, the panel found there was no evidence that Mr Parkinson had demonstrated insight or remorse into his actions."

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Andrew Parkinson 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 Andrew Parkinson 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 Andrew Parkinson 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: 17 May 2022

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