



Teaching
Regulation
Agency

Mr Paul Richardson: Professional conduct panel outcome

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

June 2022

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

Teacher:	Mr Paul Richardson
Teacher ref number:	10/68799
Teacher date of birth:	14 August 1992
TRA reference:	17627
Date of determination:	30 June 2022
Former employer:	Woodham Academy, County Durham (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 June 2022, virtually, to consider the case of Mr Paul Richardson.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Juliet Berry (lay panellist) and Ms Sharon Bhogal (teacher panellist).

The legal adviser to the panel was Miss Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Caoimhe Daly of Counsel.

Mr Richardson was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 10 March 2022.

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

1. On an unknown date between July 2017 and September 2017, he:
 - a. allowed Pupil A to sit on his shoulders;
 - b. commented on the opacity of the leggings of Pupil A;
2. In or around December 2017, he:
 - a. said to Pupil B “you’re so thick, it’s a good job you’re pretty”, or words to that effect;
 - b. carried around a photo of Pupil B in his phone case;
3. Between late May and 12 August 2018, he:
 - a. held the hand of Pupil C;
 - b. kissed Pupil C;
 - c. cuddled Pupil C;
 - d. sent messages to Pupil C stating that:
 - i. he loved her, or words to that effect;
 - ii. he wanted to marry her, or words to that effect;
 - iii. gave a key to Pupil C to his residence;
4. His conduct as set out in allegation 3 above was sexually motivated;
5. By his conduct in the foregoing paragraphs, he failed to observe a proper boundary appropriate to a teacher’ professional position.

Mr Richardson accepted the facts of each of the allegations set out above and that the facts of the allegations amount to unacceptable professional conduct and conduct that may bring the teaching profession into disrepute.

Preliminary applications

Proceeding in Absence

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

The panel was satisfied that TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took, as its starting point, the principle from *R v Jones* [2003] 1 AC1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones*.

- i) The Panel noted that the teacher was aware of the proceedings given the recent email correspondence between Mr Richardson and the TRA's legal representatives. On the date of the hearing (29 June 2022), Mr Richardson confirmed that he would not be able to attend the hearing as he was taking his relative to hospital. The panel considered that Mr Richardson had voluntarily absented himself from the hearing. The panel therefore considered that Mr Richardson has waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.
- ii) The panel did not consider that an adjournment might result in the teacher attending voluntarily, due to the previous communications between the teacher and the TRA and/or TRA's legal representatives. A previous hearing was scheduled to take place in March 2021, whereby Mr Richardson confirmed in an email dated 13 February 2021 that he would not be attending the hearing. That previous hearing did not proceed, which is why the current hearing was listed. The panel also noted that the teacher did not make any application to adjourn this hearing.

- iii) There was no wish expressed by Mr Richardson to adjourn the hearing to obtain legal representation.
- iv) The panel considered the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had the benefit of written representations made by the teacher. The panel would also be able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.
- v) The panel considered the risk of reaching an improper conclusion about the absence of the teacher. The panel was satisfied, based on the evidence provided (as outlined in (i) above), that Mr Richardson had voluntarily waived his right to be present at the hearing.
- vi) The panel has recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- vii) The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The pupils, to whom the allegations relate, would have an interest in having the allegations determined within a reasonable time. The panel noted that considerable time had already elapsed since the alleged events.

Taking the above points into consideration, the panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear and by taking such measures referred to above to address that unfairness insofar as is possible; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Application to exclude the public from the hearing

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This followed a written request by the teacher that the hearing should be in private due to his [REDACTED] and personal circumstances.

The panel determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures for the public to be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel did not consider that the teacher's request for the hearing to be heard in private, was a reasonable one given the fact that no medical evidence had been advanced to the panel for consideration and his personal circumstances, such as his current employment outside of the teaching profession, were not of relevance to this hearing and so would not be referred to during the hearing.

The panel did not consider that there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's [REDACTED] and personal circumstances, given the fact that no medical evidence was available to support his position. The panel had seen email correspondence from the TRA's legal representative to Mr Richardson dated 15 June 2022 explaining the process for requesting private hearings or for his name to be anonymised. The TRA's legal representative explained in this email that *"You will need to provide us with your reasons for your request and provide supporting evidence, if applicable, in order for this to be considered."* The panel noted that Mr Richardson chose not to submit any medical evidence after this correspondence.

Therefore, the panel determined that the public should not be excluded from the hearing.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 1 to 2

Section 2: Statement of Agreed Facts, and Notice of proceedings and response – pages 3 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 56

Section 4: Teaching Regulation Agency documents – pages 57 to 91

Section 5: Teacher documents – pages 92 to 98

In addition, the panel received a bundle of correspondence.

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

Witnesses

No witnesses were called on behalf of the TRA or the teacher.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Richardson was employed at the School from 1 September 2016 in the position of Cover Supervisor. In this position, Mr Richardson was employed or engaged to carry out teaching work.

In December 2017, concerns were raised about Mr Richardson's conduct by four female pupils. Mr Richardson was subsequently suspended without prejudice pending investigation. The School's investigation found no evidence of professional misconduct. A letter of management advice and guidance was provided to Mr Richardson.

On 12 August 2018, Mr Richardson resigned from his employment at the School.

On 14 August 2018, the School were informed that a complaint had been made to the Police on 12 August 2018 in respect of Pupil C. The LADO was informed of this allegation.

The matter was referred to the TRA in October 2018.

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 an unknown date between July 2017 and September 2017, you:**
 - a. allowed Pupil A to sit on your shoulders;**

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that during a gymnastics session, he allowed Pupil A to sit on his shoulders.

Witness A stated in her witness statement that *“Pupil A said she had sat on Mr Richardson’s shoulders. I asked her why Pupil A had done that as I felt it was inappropriate. Pupil A said she did not know why and that having thought about it, she was not happy that it happened.”*

The panel found allegation 1(a) proved.

b. commented on the opacity of the leggings of Pupil A;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that Mr Richardson shouted at Pupil A *“nice see through leggings you’ve got there [Pupil A] or words to that effect.”*

Pupil A stated in a handwritten statement to the School that *“Mr Richardson shouted, ‘nice see through leggings you have there’ to which I didn’t react. This made me feel very uncomfortable and vulnerable.”*

Pupil D corroborated Pupil A’s account in a handwritten statement to the School.

The panel found allegation 1(b) proved.

2. In or around December 2017, you:

a. said to Pupil B “you’re so thick, it’s a good job you’re pretty”, or words to that effect;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that on an unknown date in or around December 2017, Pupil B and Mr Richardson spoke, however in his response to her, Mr Richardson said *“you’re so thick, it’s a good job you’re pretty.”*

Pupil B stated in a handwritten statement to the School that Mr Richardson *“came out to speak to me. I said something which I cannot remember, he replied ‘you’re so thick, it’s a good job you’re pretty.’”*

The panel found allegation 2(a) proved.

b. carried around a photo of Pupil B in your phone case;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that on an unknown date in around December 2017, Pupil A, Pupil B and Pupil D were doing coursework during a GCSE PE lesson in an IT room. Mr Richardson entered the classroom and started talking to Pupil A, Pupil B and Pupil D. Mr Richardson said *‘oh look what I found’* and removed Pupil B’s sims photograph from the back of his phone case and showed the photograph to Pupil B in the presence of Pupil A and Pupil D.

Pupil B stated in a handwritten statement to the School that *“Mr Richardson said ‘oh look what I found’ and he took a copy of my sims photo out of the back of his phone case*

which could've been there for many days. I was shocked and didn't really react, I just turned back to my computer."

Pupil D corroborated Pupil B's account in a handwritten statement to the School.

The panel found allegation 2(b) proved.

3. Between late May and 12 August 2018, you:

a. held the hand of Pupil C;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that in approximately June 2018 [sic], Mr Richardson contacted Pupil C about going for a walk. Mr Richardson admits that during the walk he held hands with Pupil C.

During a police interview, when asked if there had been any physical contact, like holding hands, Pupil C stated *"maybe once when he said something."*

During a police interview, when referring to a walk between himself and Pupil C, Mr Richardson stated that *"we held hands, yeah."*

The panel found allegation 3a proved.

b. kissed Pupil C;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that he kissed Pupil C a couple of times lip to lip.

During a police interview, when asked to clarify the kiss, Pupil C stated *"literally nothing, lip to lip."*

During a police interview, Mr Richardson stated that he *"met up with Pupil C, we just went for a walk, I didn't have the dog for some reason and we went for a walk and we kissed it was sort of a – [REDACTED]. It wasn't the intended outcome it was a sort of trying to support but I've realised I missed from way back."*

The panel found allegation 3b proved.

c. cuddled Pupil C;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that he cuddled Pupil C following a conversation at his home.

During a police interview, Mr Richardson stated that when at his home and Pupil C had broken down, towards the end of the conversation *"she said she was feeling better and she was glad people were going to support her and it was just like a cuddle and a kiss."*

The panel found allegation 3c proved.

d. sent messages to Pupil C stating that:

i. you loved her, or words to that effect;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that he sent messages via WhatsApp to Pupil C stating that he loved her.

During a police interview, when asked what Mr Richardson meant by 'love her' [Pupil C], Mr Richardson stated *"there was never a sexual thing more of a friendship, like I love ya, let me help you sort of thing."*

The panel found allegation 3d(i) proved.

ii. you wanted to marry her, or words to that effect;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that he sent messages via WhatsApp to Pupil C stating he wanted to marry her when she turned eighteen years old.

During a police interview, when asked if there had been any mention of marriage, Pupil C stated *"yeah he always says like in ten years you and I could be married"*.

The panel found allegation 3d(ii) proved.

iii. gave a key to Pupil C to your residence;

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts which stated that he gave a key to Pupil C to his residence in or around June or July 2018.

During a police interview, when asked whether he gave Pupil C key to your house, Mr Richardson said *"Yeah it stemmed from a joke, Wit 2 and Pupil C when they dropped the rabbit off."*

The panel found allegation 3d(iii) proved.

4. Your conduct as set out in allegation 3 above was sexually motivated;

The panel had regard for the legal adviser's advice.

The panel noted that in the case of *Basson v GMC (2018)*, it stated *"the state of a person's mind is not something that can be proved by direct observation. It can only be proved by inference or deduction from the surrounding evidence"*.

It was also stated in this case that a sexual motive means the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship.

The panel considered the case of *GMC v Haris (2020)*. The panel asked itself whether on the balance of probabilities, reasonable persons would think the words and actions found proven could be sexual.

The panel considered that Mr Richardson's conduct in allegation 3 was sexually motivated for the following reasons:

The panel noted that by the very nature of Mr Richardson's conduct in kissing and cuddling Pupil C upstairs in his home was in pursuit of his own sexual gratification. The panel was of the view that his actions would be considered by a reasonable person to be sexually motivated.

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts in that his actions in allegation 3 were in the pursuit of sexual gratification and in pursuit of a future sexual relationship.

The panel found allegation 4 proved.

5. By your conduct in the foregoing paragraphs, you failed to observe a proper boundary appropriate to a teacher's professional position.

Mr Richardson admitted to the facts of this allegation in the Statement of Agreed Facts in that by his conduct in allegation 1, 2, 3 and 4, he failed to observe a proper boundary appropriate to a teacher's professional position.

Mr Richardson admitted that his behaviour was inappropriate.

The panel noted that Mr Richardson's behaviour failed to uphold a proper boundary in respect of allegations 1, 2, 3 and 4 and failed to maintain a professional pupil – teacher relationship. The panel noted that some of the allegations took place outside of the school setting and when Pupil C had left the School following her GCSE exams. The School setting provided Mr Richardson to become acquainted with Pupil C.

The panel found allegation 5 proved.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of the 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 Richardson, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Richardson 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

- 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 was satisfied that the conduct of Mr Richardson in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Richardson failed to comply with systems within the School which supported safeguarding.

The panel was satisfied that the conduct of Mr Richardson in relation to the facts found proved, involved breaches of Working Together to Safeguard Children as everyone who works with children has a responsibility for keeping them safe. The panel considered that Mr Richardson's conduct had the potential seriously to impact his safeguarding responsibilities.

The panel was satisfied that the conduct of Mr Richardson fell significantly short of the standard of behaviour expected of a teacher by the very nature of his conduct, including a finding of sexually motivated conduct.

The panel also considered whether Mr Richardson's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity was 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 noted that the allegation 3 took place outside the education setting and after Pupil C had left the School following completion of her GCSE exams. The panel noted that Mr Richardson had met Pupil C whilst she was a pupil at the School and had it not been for the School setting, Mr Richardson would not have known Pupil C. The panel considered that Mr Richardson's proven conduct included serious misconduct that was sexually motivated. The panel noted that Mr Richardson's serious misconduct would adversely affect the way Mr Richardson fulfilled his teaching role.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of

pupils. The panel 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.

The panel also considered whether Mr Richardson's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of sexual activity was 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 conduct that may bring the profession into disrepute.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The findings of misconduct are serious, including a finding of sexually motivated conduct, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that the nature of Mr Richardson's conduct could potentially damage the public's perception of a teacher.

Having found the facts of particulars 1, 2, 3, 4 and 5 proved, the panel further found that Mr Richardson'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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Richardson and whether a prohibition order is necessary and proportionate. 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, the protection of other members of the public, the

maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Richardson, which involved a finding of conduct which was sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of failing to observe a proper boundary appropriate to a teacher's professional position and exploiting his position of trust.

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

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that sought to exploit his position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils)
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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

The panel noted that the teacher failed to offer any mitigation or character references to attest to his abilities as a teacher.

There was evidence that Mr Richardson's actions were deliberate. The panel was particularly concerned that Mr Richardson had been given clear management advice by the School in 2017 which had been ignored when he sought to form a relationship with Pupil C in 2018.

There was no evidence to suggest that Mr Richardson was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Richardson's actions to be calculated and motivated, particularly in respect of allegation 3 and 4, by the very nature of Mr Richardson's conduct in kissing and cuddling Pupil C upstairs in his home.

The panel noted that Mr Richardson failed to show any remorse or insight into his serious misconduct. The panel also noted that it appeared from the evidence that Mr Richardson was solely concerned about the impact that this public hearing would have on himself, rather than the serious impact that his conduct has had on the lives of the pupils and the ongoing effect that his conduct still has on the pupils concerned. The panel noted that when the TRA's legal representatives contacted the pupils about the TRA's investigation in 2020, the pupils did not wish to participate. Pupil C described the incidents as "*still very traumatic*" and Pupil A and Pupil B did not want to relive the events that took place. The panel stated that Mr Richardson showed a lack of awareness for the seriousness of his conduct and the grave safeguarding issues involved.

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 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. 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 Richardson 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 Richardson. The finding of sexually motivated conduct and failure to observe a proper boundary appropriate to a teacher's professional position were significant factors in forming that opinion. The panel was concerned about Mr Richardson's sheer lack of insight into the impact his conduct would have on the pupils, the School and the wider community. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons or any sexual misconduct involving a child.

The panel found that Mr Richardson's conduct in respect of allegation 3 was sexually motivated, which is linked to the above conduct which recommends no review period.

The panel noted that in its experience, whilst Mr Richardson's conduct was sexually motivated, it was not, in its opinion, the most serious sexually motivated conduct to warrant a period of no review. The panel noted that, in the circumstances, it would be disproportionately punitive to recommend a prohibition order without provision for review.

As noted above, Mr Richardson failed to offer any mitigation, insight into his actions, or remorse, which affected the panel's view on the length of review period which would be appropriate in the circumstances. Whilst Mr Richardson indicated that he had no intention of returning to a career in the teaching profession, the panel was mindful that Mr Richardson's position may change in the future. The panel therefore exercised significant caution when considering the review period, noting the serious safeguarding issues and the pattern of behaviour towards teenage female pupils, to minimise the risk of Mr Richardson repeating this type of misconduct in the future.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after 10 years.

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 Paul Richardson should be the subject of a prohibition order, with a review period of ten years.

In particular, the panel has found that Mr Richardson is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- 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 Richardson, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children.

The panel finds that the conduct of Mr Richardson fell significantly short of the standards expected of the profession. The findings of misconduct are particularly serious as they include a finding of sexually motivated conduct.

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 Richardson, 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/safeguard pupils. The panel has observed, "The panel was particularly concerned that Mr Richardson had been given clear management advice by the School in 2017 which had been ignored when he sought to form a relationship with Pupil C in 2018." 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 noted that Mr Richardson failed to show any remorse or insight into his serious misconduct. The panel also noted that it appeared from the evidence that Mr Richardson was solely concerned about the impact that this public hearing would have on himself, rather than the serious impact that his conduct has had on the lives of the pupils and the ongoing effect that his conduct still has on the pupils concerned." The panel has also commented, "The panel was concerned about Mr Richardson's sheer lack of insight into the impact his conduct would have on the pupils, the School and the wider community." 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Richardson was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexually motivated conduct 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 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 Richardson himself, a prohibition order would prevent him 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, "Mr Richardson failed to offer any mitigation, insight into his actions, or remorse."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Richardson 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 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 a ten year review period.

I have considered the panel's comments "The panel found that Mr Richardson's conduct in respect of allegation 3 was sexually motivated, which is linked to the above conduct which recommends no review period. The panel noted that in its experience, whilst Mr Richardson's conduct was sexually motivated, it was not, in its opinion, the most serious sexually motivated conduct to warrant a period of no review. The panel noted that, in the circumstances, it would be disproportionately punitive to recommend a prohibition order without provision for review."

The panel has also said that, "Mr Richardson failed to offer any mitigation, insight into his actions, or remorse, which affected the panel's view on the length of review period which would be appropriate in the circumstances. Whilst Mr Richardson indicated that he had no intention of returning to a career in the teaching profession, the panel was mindful that Mr Richardson's position may change in the future. The panel therefore exercised significant caution when considering the review period, noting the serious safeguarding issues and the pattern of behaviour towards teenage female pupils, to minimise the risk of Mr Richardson repeating this type of misconduct in the future."

I have considered whether a ten year 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, factors mean that allowing a shorter review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the finding of sexually motivated conduct, the pattern of behaviour towards teenage female pupils, and the lack of either insight or remorse.

I consider therefore that a ten year review period is required to satisfy the maintenance of public confidence in the profession, after which the teacher may apply for the prohibition order to be set aside.

This means that Mr Paul Richardson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 7 July 2032, ten years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Richardson remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Richardson has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: John Knowles

Date: 4 July 2022

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