



Teaching
Regulation
Agency

Mr Spencer Radford Professional conduct panel outcome

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

March 2021

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

Teacher: Mr Spencer Radford

Teacher ref number: 9458092

Teacher date of birth: 18 February 1972

TRA reference: 17734

Date of determination: 24 March 2021

Former employer: [redacted]

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 18 March to 24 March 2021, to consider the case of Mr Spencer Radford.

The panel members were Mr Chris Rushton (lay panellist – in the chair), Ms Laura Flynn (teacher panellist) and Mr David Raff (lay panellist).

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

The presenting officer for the TRA was Ms Lucy Coulson of 18 St John Street Chambers instructed by Browne Jacobson LLP Solicitors.

Mr Radford was present and was represented by Mr Andrew Faux (Counsel) and Ms Emma Willis-Payne of the Association of Schools and College Leaders (ASCL) Solicitors.

The hearing took place in public and was recorded, except for parts of the hearing which were heard in private.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 10 November 2020.

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

1. He failed to maintain appropriate professional boundaries with one or more pupils between and/or around 1999 and 2001, including by;
 - a. sharing his personal mobile number with Pupil A and/or exchanging one or more text messages with Pupil A;
 - b. commenting to Pupil B that he was in love with Pupil A;
 - c. giving lifts to Pupils A and/or Pupil B;
 - d. going to Buxton in Derbyshire with Pupil A;
 - e. entering and/or staying in Pupil A's house with Pupil A and/or Pupil B;
 - f. allowing Pupil A into his home accommodation;
 - g. staying overnight with Pupil A at his home accommodation;
 - h. kissing Pupil A and/or engaging in sexual activity with Pupil A.

2. His behaviour as may be found proven at 1 above included conduct of a sexual nature and/or sexually motivated conduct.

The teacher admitted the facts of allegations 1.a., 1.c. and 1.e. but did not admit that these facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The teacher also did not accept that these facts constituted a failure to maintain appropriate professional boundaries.

The teacher denied allegations 1.b., 1.d., 1.f., 1.g., 1.h. and 2 in their entirety.

Preliminary applications

The panel considered an application from Mr Faux, the teacher's representative, which was split into two limbs, namely the admissibility of evidence within the hearing bundle and the recusal of the panel.

The panel considered a preliminary application on the admissibility of material within the hearing bundle. This application was made by the teacher's representative, Mr Faux, and opposed by the presenting officer for the TRA, Ms Coulson. The basis of the application is that the material (listed in section 9 page 4 of the application notice dated 17 March

2021) is prejudicial and/or irrelevant. The panel considered the representations by both Mr Faux and Ms Coulson and reached the following determination:

Upon reviewing the hearing bundle the panel's observations were that greater care and attention should have been taken when undertaking the redaction exercise. In parts, the redactions are incomplete misplaced and inadequate.

The panel first considered the representations on the grounds of potential prejudice through the admission of this material. However, the panel concluded that through their experience and knowledge they could properly discount the material subject to this application to avoid any prejudice to the teacher.

The panel next went on to consider the question of relevance. It determined that the investigation report of [redacted] and the LADO summary is not required in these proceedings. The panel agreed with the teacher's representative that all the relevant evidence contained within these sections is available elsewhere in the bundle.

The panel noted that the investigation report and LADO summary implicitly refer to allegations that are not before this panel.

The panel has determined that the TRA FAQ questions at pages 12 to 15 of the bundle are helpful to a teacher, particularly if not represented. Additionally, it assures the panel that the teacher has been made aware of the relevant information and guidance on the conduct of virtual professional panel hearings. Consequently, the panel decided that these pages will remain within the bundle.

The panel considered the TRA misconduct referral form and its relevance to these proceedings. The panel determined for similar reasons to those expressed in the paragraph above that pages 59 to 71 and 74 to 77 of the referral form could be removed from the bundle. The panel decided to retain pages 72 and 73 as these pages confirm when and by whom the referral to the TRA was made.

The panel noted that, although not referred to in the oral submissions made by the teacher's representative, upon review of the written application that the teacher's representative and presenting officer are required to agree appropriate redactions of the interview notes at pages 79 to 98 and 103 to 107 of the bundle.

The panel went on to consider the second part of the application from Mr Faux which invited the panel to consider if it had been contaminated by unredacted material and whether it should recuse itself from further involvement in the case. This application was made by the teacher's representative, Mr Faux, with the presenting officer for the TRA, Ms Coulson, remaining neutral in her submissions on the principle of recusal. However, the presenting officer did highlight the practical implications of a delay.

The panel considered the representations and reached the following determination:

The panel first considered the potential prejudicial effect on itself, as an impartial tribunal. The panel applied the test of whether the risk of prejudice was so grave that no direction, could reasonably be expected to remove that prejudice from the mind of the panellists, and whether the teacher's right to a fair hearing was compromised. As previously agreed, the panel did not consider the redacted material as relevant evidence for its determination. The core evidence in this hearing will be the witness accounts provided by the pupil witnesses and the teacher. This evidence will be tested in cross-examination by all parties and it will be this evidence which the panel considers in its determination of the allegations.

Whilst the representations from the parties regarding the nature of the redacted material were fresh in the panel's mind, the panel's focus over the course of this hearing will be upon whether the evidence heard and the admissible documents are sufficient to prove that it is more probable than not that the alleged facts occurred. That focus, combined with the likely directions to be given by the legal adviser for the panellists to put the redacted materials out of mind will uphold the teacher's right to a fair hearing.

A fair-minded observer would consider that as this is a competent and trained panel it is capable of putting the redacted material from its mind when reaching its decision. The panel has considered the submissions made by the teacher's representative and the presenting officer and has reached the decision that it is able to be fair minded and apply an objective test when considering the witness evidence and reaching its determination. This is a continuous task the panel undertakes throughout any proceedings, where inadmissible or irrelevant evidence can arise during live witness evidence.

By virtue of the nature of these proceedings it is not uncommon for a panel to see investigations and other determinations of other hearings and tribunals within a hearing bundle. The panel will put this evidence out of mind when reaching its finding and determination.

In reaching this conclusion the panel has considered the effects of the inclusion of the material ruled irrelevant within the original hearing bundle. This it has done within the context of the proceedings as a whole, alongside the impact of oral evidence and the legal advice available. The panel agreed with the view expressed by Mr Faux at the outset, that the decision in this case as to whether the allegations are proven will depend on the competing oral witness accounts from Pupils A, B and G and the teacher. The panel's position is that this evidence can be tested and challenged through cross examination and its own questioning. The panel will put out of mind the information contained in the documents removed from the hearing bundle. The panel does not intend to reiterate its earlier decision as to admissibility save to highlight that it did not consider the redacted evidence as relevant to the allegations before it.

The panel has therefore determined that Mr Radford's right to a fair hearing has not been compromised, since the panel can put the redacted material from its mind when reaching its decision. It is, therefore, unnecessary for the panel to recuse itself.

The panel did consider the pragmatic considerations raised by the presenting officer on the impact an adjournment would have on the witnesses. Whilst the panel acknowledged these submissions and understood these concerns, the panel did not consider the risk of witnesses failing to attend a vacated hearing to be a determinative factor and did not base its decision on these grounds.

Given the circumstances outlined above, the panel was satisfied that it would both be fair for it to determine the case and that it would be seen to be fair.

Admonishment

The panel noted that the full bundle with redactions was sent to the teacher's representative on 11 January 2021. No objections were raised. On 17 March 2021, the day before the scheduled hearing, the panel received an application by the teacher's representative that a number of documents within the bundle were inadmissible due to prejudice and/or relevance.

The panel acknowledged that Mr Faux apologised and took responsibility for the delay in making the application when he raised the matter at the hearing.

The panel accepted his apology but wished it to be noted that such an application could have been made earlier in the course of these proceedings, resulting in a Case Management Hearing (CMH) being listed for consideration of these preliminary matters. This approach would have prevented additional time, resource and expense in resolving these matters today at the start of the hearing. It has also caused significant inconvenience to at least one witness to these proceedings.

The panel takes this opportunity to encourage and remind all parties to assist and cooperate in both the planning and preparation for these hearings to ensure the fair administration of justice.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 4

Section 2: Notice of proceedings and response – pages 5 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 28

Section 4: Teaching Regulation Agency documents to include LADO Joint Evaluation Meeting and TRA referral form, investigation notes (with redactions) – pages 30 to 117

Section 5: Teacher documents – pages 119 to 147

In addition, the panel agreed to accept the following:

A chronology prepared by the presenting officer outlining the communications between the TRA and the teacher's representative by way of an assistance with its consideration of the teacher's representative's application. There was no objection to this chronology being prepared and considered by the panel.

The panel worked with the revised bundle following the additional redactions that had been approved by all parties.

Witnesses

The panel heard oral evidence from:

Pupil A [redacted]

Pupil B [redacted]

Pupil G [redacted]

The panel also heard oral evidence from the following witnesses, called by the teacher

Witness D – friend of the teacher [redacted]

The teacher also gave evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel members confirmed that they had read all of the documents within the revised hearing bundle, provided on 19 March 2021.

Mr Radford was employed as a teacher at [redacted] ("the School") from September 1995 to December 2006. In the academic years from [redacted], Pupil A was in Mr Radford's [redacted] and in [redacted] Pupil A was also taught by Mr Radford in [redacted]. Mr Radford joined Thomas Adams School in 2006 and remained there until his departure, save for one year where he held an appointment at another college. Mr Radford remained at Thomas Adams School until 2018.

In August 2018 a referral was made by Cheshire police following a report from a former pupil at the School, Pupil B. This triggered a police investigation, following which no further action was taken. Mr Radford's employer, Thomas Adams School, subsequently held a disciplinary investigation. During the 2018 to 2019 school year Mr Radford resigned.

Findings of fact

The panel in reaching the findings of fact was guided by the direction on the delay between the alleged commission of the conduct leading to the allegations and the hearing. In particular the panel noted:

- The events are said to have taken place a long time ago. The panel appreciated that because of this there may be a danger of real prejudice to the teacher;
- The panel should make allowances for the fact that with the passage of time, memories fade. Witnesses, whoever they may be, cannot be expected to remember with crystal clarity events which occurred 20 years ago; and
- The panel should also make allowances for the fact that from the teacher's point of view, the longer the time since an alleged incident, the more difficult it may be for him to answer it.

The findings of fact are as follows:

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

1. You failed to maintain appropriate professional boundaries with one or more pupils between and/or around 1999 and 2001, including by;

The stem of allegation 1 was denied. The panel found the stem of allegation 1 proven for the reasons outlined below.

a. sharing your personal mobile number with Pupil A and/or exchanging one or more text messages with Pupil A;

At the outset of the hearing, the teacher admitted Pupil A had his personal mobile number. It was unclear on the evidence how Mr Radford and Pupil A had exchanged personal mobile phone numbers, but Mr Radford did admit he may well have sent or exchanged text messages with Pupil A. Mr Radford denied the frequency and the content suggested by Pupil A in her evidence.

Mr Radford was [redacted] with whom he socialised on a regular basis alongside other pupils' [redacted] within the community. Mr Radford stated that he socialised with a group of people from the community at each other's houses and the local public house on a Friday night. The teacher said that [redacted]. Mr Radford could not recall hosting an event at his own house. Mr Radford stated that he became friends with [redacted]. This became a regular occurrence and he later became a friend of [redacted], who [redacted].

Mr Radford suggested in his evidence that Pupil A may have acquired his mobile number in three possible ways. Namely, from a letter relating to a school [redacted] trip to pass to parents; Pupil A's [redacted]; or he may have contacted Pupil A with his details [redacted]. The panel was not assisted by Pupil A on this point, as she also could not recall how they exchanged personal mobile phone numbers. However, the panel accepted that text messages started to be exchanged after the [redacted]. Mr Radford also attended [redacted]. At the time of [redacted] Mr Radford was 27 and Pupil A was 14. She turned 15 [redacted].

Pupil A explained to the panel that she had a mobile phone in [redacted] as her family had bought the same model of mobile phone for each of them to secure a discount on the overall mobile phone tariff. Pupil A told the panel that she saved Mr Radford's number as another name in her phone as she knew that she had to be careful and she was worried her parents may check her mobile phone. Pupil A explained to the panel that she was excited to get a text from Mr Radford. She said that text messages were exchanged after the [redacted]. It started slowly then, with them text messaging each other. Pupil A said that it felt normal to be messaging someone and receiving texts at the start of a relationship, apart from the fact that it was her teacher. Looking back, she realised it wasn't normal.

Pupil A in her evidence to the panel explained how the majority of text messages exchanged with Mr Radford were sent in the evening but there were also occasions when they would text each other during the school day. Pupil A referred to a time when she left an [redacted] early saying she was going to the toilet. However, as a result of text messages with Mr Radford, she had arranged to meet him briefly in a store cupboard in his classroom for a quick kiss and cuddle. Pupil A advised the panel that this was only for a few minutes and was the only "meet up" she could recall which happened during the school day. Mr Radford denied that this incident occurred.

Pupils B and G in their evidence referred to personal mobile phone text messages between Mr Radford and Pupil A but advised the panel that they had only been told by Pupil A of the communications at the time and had not seen any messages. Pupils B and G told the panel that they found Pupil A to be a truthful and honest person.

The panel was persuaded by the compelling nature of Pupil A's evidence and the supporting verbal and written hearsay evidence from Pupils B and G.

The panel accepted the account from Pupil A in relation to the 'meet up' in Mr Radford's store cupboard during the school day. The panel found that a number of text messages were exchanged between Mr Radford and Pupil A during the school day and on school nights. The panel could not determine who initiated the sharing of mobile phone numbers or the first text communication. However, the panel was satisfied that the continued text message communication amounted to the ongoing sharing of the teacher's mobile phone number. The panel noted that the teacher at no stage made any attempt to report the text

exchanges to his senior leadership team, the parents of Pupil A or to request Pupil A to stop contacting him.

Therefore, the panel found on the balance of probabilities that the allegations of 1.a. were proven and that in such conduct Mr Radford failed to maintain professional boundaries.

b. commenting to Pupil B that you were in love with Pupil A;

In her written statement Pupil B stated that Mr Radford told her after a [redacted] lesson to stay behind when he explained that he knew Pupil B was aware of his relationship with Pupil A and that he wanted Pupil B to know that he was in love with Pupil A. Mr Radford denies that this conversation took place and stated that he never said this to Pupil B. In her evidence Pupil B recalled her being upset from the discussion having been asked by Mr Radford to wait behind after class. Pupil B described to the panel that she remembered this discussion as she was very annoyed at being asked to stay behind, and annoyed that Pupil A had told Mr Radford that she was aware of their relationship.

Pupil B explained to the panel that at the time she was friends with Pupil A. She explained that Pupil A had confided in her that she was in a relationship with Mr Radford in [redacted] after they had consumed a few drinks at home. Pupil B advised the panel that she was not surprised by the relationship as she had thought something “odd” had happened at the [redacted], where she had seen Pupil A and Mr Radford talking closely [redacted]. Pupil B was adamant in her evidence that she did not want anything to do with it and was annoyed with Pupil A at the time for telling Mr Radford that she, Pupil B, knew of their relationship.

The panel noted in Pupil A’s evidence that the account of her discussions with Pupil B was similar in that Pupil B did not want to hear about the relationship but was there for her if she needed her to be. Pupil A recalled that Pupil B was not happy that she had disclosed to Mr Radford that she had told Pupil B. The panel accepted that there was no motive for Pupil B to make up this event either at the time or now. The timing of the discussion fitted the version of events from Pupil A that she had told Pupil B in [redacted] and that Mr Radford had approached Pupil B approximately a week after the disclosure by Pupil A.

Pupil A recalled the discussion with Pupil B when she explained that she was in a relationship with Mr Radford. Pupil A said that she needed to “offload” the pressure of keeping the secret. Pupil A stated that Pupil B said, “she was aware, and said what are you doing?” Pupil A told the panel that this was her first relationship and that when she confided in Pupil B, whilst she was nervous, she said she wanted “to tell her friend that this was happening.” She told the panel that at that time she was “giddy with excitement.” It was clear to the panel that at that stage Pupil A had serious feelings for the teacher.

After Pupil A told Mr Radford that she shared their secret with Pupil B he was “a little bit angry and upset” and asked, “what are you doing?” Pupil A said he reacted like this

because it added to the risk of it all. Pupil A said that she knew that it was better “if the less people knew the better”. She denied that Mr Radford had given her any advice about how to keep the relationship a secret. She told the panel that “he didn’t need to spell it out.”

In Pupil A’s and Pupil B’s evidence they both referred to a [redacted] gift being given to Pupil A, [redacted]. The panel accepted that this gift had been given.

The panel found the evidence compelling from Pupils A and B. The panel could not find any obvious motive for either Pupil A and B to create a false narrative. Furthermore, the 2 pupils are no longer friends and had not been friends since leaving school [redacted].

Mr Radford denied the discussion took place with Pupil B and denied that any gifts had been given to Pupil A.

The panel having considered the evidence from Mr Radford and Pupil B assessed the weight and reliability of the evidence, and on the balance of probabilities, believed that this discussion between Pupil B and Mr Radford was more likely than not to have occurred.

The panel found the allegation 1.b. proven and that in such conduct Mr Radford failed to maintain professional boundaries.

c. giving lifts to Pupils A and/or Pupil B;

The panel heard various accounts of lifts offered by the teacher.

All witnesses were unable to provide clear details of a date in which these lifts may have taken place or of the car involved. Pupil B recalled being picked up with Pupil A by Mr Radford when walking home down a country lane. She could not recall who instigated the lift. Pupil B states that they returned to Pupil A’s house. Pupil A had no recollection of this lift.

Pupil G also referred to an occasion when she was picked up by Mr Radford in his car with Pupil A following an event at school, she could not recall what event it was but the 2 girls were walking home. Mr Radford picked them both up and dropped Pupil G off at home first and then took Pupil A home. Pupil G remarked in her evidence that she found this a little uncomfortable. Pupil G could not recall how the lift arose whether this was arranged in advance or by text message between Pupil A and Mr Radford.

Pupils A, B and G recall that Mr Radford had a [redacted] car. Mr Radford confirmed to the panel that he had previously owned [redacted] cars but could not recall what car he owned at this time. Mr Radford explained to the panel that he would give lifts to pupils from events, school trips and that pupils’ parents agreed to this. Mr Radford advised the panel that [redacted] it was not unusual for him [redacted].

The panel considered the evidence provided by Mr Radford and the pupils and found that he had given lifts to Pupil A and Pupil B. The panel went onto consider if this was a breach of professional boundaries, bearing in mind this was [redacted]. However, in the context of the relationship with Pupil A, the sharing of mobile numbers, the exchanging of text messages and the discussion of feelings for Pupil A with Pupil B, the panel determined that the giving of lifts was in breach of professional boundaries and therefore this allegation 1.c. was proven.

d. going to Buxton in Derbyshire with Pupil A;

In Pupil B's written statement she stated that she was aware Pupil A and Mr Radford had spent the day in Buxton. When Pupil A was asked if she had any day trips or excursions with Mr Radford she confirmed that she had been on a day trip to Buxton. Pupil A confirmed that it was the only place she had been to with Mr Radford as most of the time "they were usually trapped in the house." Pupil A told the panel that it was "a chance to go for a walk where we weren't trapped. Where we could get an ice cream and have just a regular day together." Pupil A also told the panel that they were always looking over their shoulders.

Pupil B could not recall why Pupil A said they had visited Buxton and suggested that it may have been something connected to the Buxton Spring Water attraction but could recall Pupil A sharing details of the visit with her at the time.

Mr Radford denied the visit took place.

The panel accepted the evidence of Pupil A and Pupil B and noted that there was no motive for Pupil B to make the report of this visit up. The panel noted that Pupil A referred to the trip as an opportunity to be a normal couple.

The panel found the allegation 1.d. proven and that in such conduct Mr Radford failed to maintain professional boundaries. The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that this event was more likely than not to have taken place.

e. entering and/or staying in Pupil A's house with Pupil A and/or Pupil B;

The panel heard evidence from Pupil A, Pupil B and Mr Radford that he had been at Pupil A's house without [redacted] being at home.

Mr Radford advised the panel that [redacted] and so [redacted]. Mr Radford was on his own with Pupil A at her home [redacted]. Pupil A could not recall an occasion when Pupil B was also at her house when Mr Radford was present.

Pupil B told the panel on one occasion after a lift with Pupil A from Mr Radford they returned to Pupil A's house. She then said that Pupil A and Mr Radford went upstairs whilst she was downstairs. Pupil B then stated that she went into "sheer panic" as Pupil

A's [redacted] came home. She stated that she had to call up to Pupil A to come down. Pupil B said that she remembers this as she was extremely panicked and upset at being put in that situation. Pupil A could not recall this occasion.

Mr Radford denied Pupil B's version of events.

The panel considered the account by Pupil B. The panel found no evidence to corroborate the account of Pupil B in this regard.

The panel went on to consider that if Mr Radford in entering and staying at Pupil A's house had failed to maintain professional boundaries, bearing in mind this was [redacted]. However, in the context of the relationship with Pupil A, the sharing of mobile numbers, the exchanging of text messages and the giving of lifts, spending time with her on her own in her parents' home was a breach of professional boundaries and therefore this allegation 1.e. was proven.

f. allowing Pupil A into your home accommodation;

g. staying overnight with Pupil A at your home accommodation;

The panel decided to consider 1.f. and 1.g. together as the allegations arose from the same evidence heard during the hearing.

Pupil A described to the panel Mr Radford's 3 bed semi-detached property. Her internal description of the layout of the property was accepted by Mr Radford. However, he explained that his property was similar to 20 to 30 properties on the same road and Pupil A had [redacted] who lived in similar properties at that time.

Pupil A said that she would not have visited Mr Radford's house until approximately several months into the relationship, but that after this she regularly visited the house and also stayed over.

Pupil B and Pupil G told the panel that Pupil A made them aware that she visited and stayed over at Mr Radford's house. They told the panel that they both felt uncomfortable about it and consequently they did not discuss the details of the visits with Pupil A. The panel noted this contemporaneous hearsay evidence from Pupils B and G.

Pupil A told the panel she and Mr Radford would spend time at his house, as this was the only place they could spend time together. Pupil A said that Mr Radford would pick her up and take her to his house.

Pupil A in her written evidence said that when she was at Mr Radford's house she spent time snuggled on the sofa with him watching films. As the relationship progressed Pupil A said that they progressed to kissing and engaging in oral sex where they started on the sofa and then went into the bedroom.

Pupil A said that their ability to spend time together was affected by a [redacted] teacher's house after [redacted]. She did not visit the house when the [redacted] was present. If the [redacted] was present, she said that she would "obviously not go around" to Mr Radford's house.

Mr Radford denied that Pupil A had visited his house. He denied that Pupil A had spent time at his house or stayed overnight as described by Pupil A.

The panel found the evidence of Pupil A compelling and the corroborative evidence from Pupils B and G convincing. Consequently, the panel found allegations 1.f. and 1.g. proven.

h. kissing Pupil A and/or engaging in sexual activity with Pupil A.

Pupil A told the panel that it "took a long time, like any normal relationship would, the only thing not normal was the teacher and pupil part and the age gap, everything else was normal everything progressed really slowly – I was young it was all firsts it probably took a long time." Pupil A said the relationship started slowly at first following [redacted]. Pupil A told the panel that it took a long time for the relationship to get to the point that it did. At the start it was a lot of texting and talking on the phone.

Pupil A said that they progressed to kissing and that Mr Radford did not rush her. Pupil A told the panel that they would "just take opportunities to see each other, there was no structured frequency, but we would speak on the phone most nights and text a lot and see each other once a fortnight when the opportunity was there."

Pupil A's written evidence was that the relationship naturally progressed to kissing and engaging in foreplay. Pupil A stated that Mr Radford touched her everywhere, including her breasts and vagina. She also touched Mr Radford. Pupil A told the panel that they went as far as oral sex but did not have penetrative sex.

Pupil A expanded on the account in her written statement in relation to the sexual activity she engaged in with Mr Radford. Pupil A stated that this happened at Mr Radford's house. It was her first experience of sexual activity. Pupil A said that they did discuss having penetrative sex but Mr Radford said that there was no rush and to wait until she was 16 years old. Pupil A told the panel that Mr Radford "was a rule following person, I know that doesn't sound like that now but he was."

Pupil A in her evidence said she and Mr Radford thought that when she left school "they would be a couple." Pupil A said it was her first relationship and that she thought it would progress after she left school. Pupil A could not recall any arguments with the teacher and said to the panel that the relationship was fine, nothing bad happened "other than the stress of the secret." Pupil A explained to the panel that the relationship fizzled out before she turned 16 after she met someone else. Pupil A said that Mr Radford "was a bit upset, it was like any break-up, the same feel to it." Pupil A said that she stayed in touch with Mr

Radford with occasional text messages and phone calls every now and again until “eventually that got less and less and that was that really.”

Pupil B said that Pupil A had described that Mr Radford’s penis was the size of an [redacted]. She stated that she remembered this as at the time this was shocking to her. She had not ever heard a penis being referred to in that way. She continued that “it was not a term I would use and I did not want to know this information it was shocking to me.” Pupil A could not recall this conversation. She said that she “had no comparison, she was the only person I really spoke to about stuff, it was all firsts for me.” But she added that she did not remember using this term with her.

Pupil G in her account believed that Pupil A had lost her virginity to Mr Radford. However, Pupil A in her verbal evidence made it clear that she did not have penetrative sex with Mr Radford.

Mr Radford denied these allegations in their entirety.

Pupil A was challenged that this was a schoolgirl fantasy and that as an adult she felt that she had to continue with it after allegations were made in 2018. Pupil A responded: “I actually feel quite embarrassed now with the fact that it happened, I would rather it have not happened, and it not be anything and not be here where we are. But we are where we are – it happened ‘my bad’ - need to face the consequences.” Pupil A continued that “I would have left it where it was ... I have [redacted], the last thing I want is this coming out, this is not what I needed, I have zero to gain from this, it was wrong it happened and now we are where we are.”

The panel was made aware that Pupil A had attended the hearing under a witness summons. Pupil A told the panel that she did not want to get involved and that she had [redacted]. Pupil A referred to Pupil B as “raking this up.”

The panel accepted the account of Pupil A. The panel accepted that Pupil A confided in Pupils B and G but their recollection of the detail of these discussions was not taken into account by the panel when considering this aspect of the allegation. The panel found the evidence of Pupil A compelling. The panel concluded that far from having a motive to falsely accuse Mr Radford it would have been in Pupil A’s best interests, as she perceived them, for her never to have had to revisit this matter. It was only by means of a witness summons that she came to be before the panel.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that the conduct set out in the allegation was more likely than not to have taken place. The panel found the allegation 1.h. proven and that in such conduct Mr Radford failed to maintain professional boundaries.

2. Your behaviour as may be found proven at 1 above included conduct of a sexual nature and/or sexually motivated conduct.

The panel found allegations 1.a. to 1.h. proven for the findings and determinations outlined above.

The panel found Pupil A's account credible. Pupil A described that they kissed and engaged in foreplay. A reasonable person would consider that to be contact of a sexual nature, because it is by its nature, sexual.

The panel considered the account by Mr Radford and the evidence from Witness D as to his good character. Witness D, who had known Mr Radford for over 7 years spoke highly of him and advised the panel that he is a close friend of the family. Witness D told the panel that he had given her children lifts, waited at the house on his own with them, given [redacted] and [redacted] with Witness D's daughter. These lessons took place at both her house and his house. Witness D said that Mr Radford "has the highest morals and integrity of any man I know. He is a stickler for the rules. I can't advocate him enough and he wouldn't be a trusted family friend if I thought for a moment, he had done anything immoral or improper."

The panel also heard evidence from Pupils A, B and G in relation to Mr Radford, prior to the relationship starting. Pupil A told the panel that Mr Radford was just her teacher and that they had a normal teacher and pupil relationship from [redacted]. Pupil A told the panel that he was a good teacher, everyone respected him and enjoyed his classes. Pupils B and G had the same view. Pupil G told the panel that he was "a very good teacher, he always offered help if we needed it, always did extra things for [redacted] that other classes didn't have – [redacted], he was a fun teacher."

The panel did take into account the passage of time and how this may impact on the evidence before it and also the accounts of the witnesses during the hearing. The panel accepted the compelling account of Pupil A supported by contemporaneous hearsay of Pupils B and G. The panel noted that the Pupils had not continued to be friends after leaving school and had not remained in contact in their adult lives.

The panel has considered the evidence it has heard and also the nature of the serious allegations. The panel has considered the teacher's character with reference to his credibility and his propensity to have carried out the allegations. The panel also took into account the passage of time and how this may impact on the evidence before it and also the accounts of the witnesses during the hearing. The panel accepted the compelling account of Pupil A that the relationship had progressed and that she and Mr Radford had engaged in sexual activity, albeit not sexual intercourse itself. The sexual nature of the relationship was supported by contemporaneous hearsay of Pupils B and G, albeit it was apparent to the panel that Pupils B and G had a different recollection as to what Pupil A had told them, or what they understood about the details of that relationship. The panel did not consider those details to be sufficient to undermine their evidence. The panel noted that the Pupils had not continued to be friends after leaving school and had not remained in contact in their adult lives.

The panel found the evidence of Pupil A compelling and found allegation 2 proven and that Mr Radford's conduct in the proven allegations at 1 above included conduct of a sexual nature and/or sexually motivated conduct.

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

Having found allegations 1 and 2 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.

The panel took account of its own understanding and experience of the teaching standards in and around [redacted], as well as the prevailing culture of that era. The panel considered the relationship which developed between Pupil A and Mr Radford from the [redacted] until late [redacted] and the evidence from Pupil A as to the sexual activity that occurred during that relationship. The actions by Mr Radford engaging in sexual activity with Pupil A would have amounted to a breach of the teaching standards at the time. In the panel's experience of that era, it considers that it was unacceptable for a teacher to engage in oral sex with a pupil. The panel noted that it was illegal for an adult to engage in oral sex with a child under the age of 16.

The panel therefore considered that Mr Radford's actions fell short of the standards expected of the profession at the time, particularly that he brought the reputation and standing of the profession into disrepute, through his failure to maintain appropriate professional boundaries with Pupil A in or around [redacted].

The panel noted that particular 1.c. to 1.g. took place outside the education setting. The panel were told by Pupil A that Mr Radford took her out for a day trip to Buxton. The panel heard that the teacher and Pupil A acted as 'a normal couple' to have a walk and had an ice cream. This led to Pupil A at the age of [redacted] potentially being exposed to or influenced by Mr Radford. The panel heard how Pupil A said that this made a change to being trapped in the house, which referred to where they usually spent time together.

Today, the standards are more clearly codified in the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice". This current codified standard is only relevant to the extent that it describes how a person should fulfil their teaching role today. The conduct that Mr Radford engaged in remains unacceptable today. Pupil A has been affected by his behaviour, in that she has, many years later, had to revisit this period to provide her account of it. As described above, at times, Pupil A found giving her account upsetting. Pupils B and G also described having felt uncomfortable at the time about the relationship, and this placed them in a difficult situation.

The panel was satisfied that the conduct of Mr Radford amounted to conduct which falls significantly short of the standard expected of a teacher and is behaviour which involves

a breach of the standards of propriety expected of the profession. The panel also considered whether Mr Radford's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual activity was relevant. Mr Radford engaged in sexual activity with Pupil A whilst she was a pupil at the School and a pupil [redacted] and [redacted]. 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. Accordingly, the panel was satisfied that Mr Radford 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. The panel also found that Mr Radford's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute it 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. 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 all of them to be relevant in this case, namely the protection 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 Radford which involved an inappropriate sexual relationship with a pupil, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if Mr Radford's conduct was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel concluded that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as Mr Radford's conduct was completely outside that which could be tolerated.

The panel considered that the adverse public interest considerations above may outweigh any interest in retaining Mr Radford in the profession as although he undoubtedly had ability as an educator as evidenced by the character references referred to below, in respect of Pupil A he fundamentally breached the trust placed in him.

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 Radford.

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 Radford. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; 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.

The panel considered all of these factors relevant in this case.

In particular the panel took note that it was not an isolated incident. It was a prolonged period of sexual misconduct with a child [redacted]. Mr Radford's also sought to engage a second child in colluding to keep the misconduct secret. Another unpleasant feature of this case was the abuse of the trust of the [redacted] who had [redacted] the teacher. Furthermore, the sexual misconduct only came to an end at the instigation of Pupil A.

Notwithstanding that some of the behaviours 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.

The panel has found that Mr Radford's actions were deliberate, calculated and sexually motivated. The panel found that there was no evidence to suggest that Mr Radford was acting under duress.

The panel were told that Mr Radford had a previous good history of 23 years of teaching. The panel accepted that this included the 17 year period which followed the sexual misconduct. Throughout his career he achieved consistently good, often excellent, academic results. He received positive feedback from pupils and achieved a series of promotions. The panel heard from Witness D as to Mr Radford's good character and attestations to his abilities as a teacher and the panel was referred to these in mitigation.

The panel had sight of a considerable number of character references, thank you cards and parents' feedback on behalf of the teacher. The panel noted that these various documents were dated from 2008 to 2020.

In a character reference of a friend and former pupil's parent she said Mr Radford's "professional manner is impeccable. He has the highest of morals and integrity of any man I know. I can't advocate him enough."

In another character reference from a former pupil she said Mr Radford "was a great teacher, who was highly valued by both staff and students."

In a character reference from Mr Radford's headteacher at the time the allegations came to light, she stated: "At no point during the ten years I worked with Spencer did I ever have any cause to doubt him, his integrity or his professionalism. His work was exemplary, his commitment total, he went above and beyond every aspect of the job and in extra-curriculum terms. There were never any complaints about him at all, but I did have parents and students begging to get into his classes and on his trips."

Various thank you cards, letters and emails from former pupils' parents said that Mr Radford "had really inspired" them and that they had "flourished under your guidance and we are pleased and proud of her progress", "your teaching methods are excellent ... keep up the good work." Another parent said that Mr Radford had "made a massive difference to her confidence, which in turn has boosted her grades" and thanked him "for everything he had done ... you will be a hard act to follow." Another former parent said that "he is the example of a perfect teacher – hardworking, proactive, organised, caring and someone who teaches at exactly the right level for his pupils" with another saying that Mr Radford had "total dedication towards bringing out the best in her."

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 Radford of prohibition.

The panel concluded that a recommendation for prohibition was both proportionate and appropriate. The panel decided that the public interest considerations alongside the serious nature of this misconduct outweighed the interests of Mr Radford, despite the character references considered by the panel. The nature of the sexual misconduct and the length of the relationship with a [redacted] pupil was deemed 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 includes 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 Radford was responsible for prolonged serious sexual misconduct with Pupil A.

The panel considered the information provided by the teacher's representative that the teacher continues to deny and dispute the factual findings. Therefore, the panel was unable to give any credit for remorse or insight.

Furthermore, Mr Radford by his own admission has lost faith and is now disillusioned from a profession which he had been part of for over 25 years. He said, irrespective of the panel's finding of fact, he had no intention of returning to teaching.

Furthermore, the panel were invited, albeit cautiously, by the teacher's representative to consider the comparative lack of harm to Pupil A by Mr Radford's actions. The panel had insufficient evidence to determine how such events may have impacted on Pupil A at the time or through the rest of her life. However, it is clear that any abuse of trust by a person in a position of authority is likely to have long term consequences.

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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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/or conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Radford is in breach of the standards expected of the profession at the time. I have noted the following comments “The panel took account of its own understanding and experience of the teaching standards in and around [redacted]” and “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”.

The findings of misconduct are particularly serious as they include a finding of prolonged serious sexual misconduct with a Pupil, events that are said to have taken place a long time ago.

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 Radford, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “In the light of the panel’s findings against Mr Radford which involved an inappropriate sexual relationship with a pupil, there was a strong public interest consideration in respect of the protection of pupils”. 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 the information provided by the teacher’s representative that the teacher continues to deny and dispute the factual findings. Therefore, the panel was unable to give any credit for remorse or insight”. In my

judgement, the lack of insight means that there is some risk of the repetition of this behaviour, and this puts pupils at risk. 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 concluded that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as Mr Radford's conduct was completely outside that which could be tolerated". I am particularly mindful of the finding of serious sexual misconduct, although historic, 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 Radford himself, I have noted the panel's comment "The panel were told that Mr Radford had a previous good history of 23 years of teaching. The panel accepted that this included the 17 year period which followed the sexual misconduct. Throughout his career he achieved consistently good, often excellent, academic results. He received positive feedback from pupils and achieved a series of promotions. The panel heard from Witness D as to Mr Radford's good character and attestations to his abilities as a teacher and the panel was referred to these in mitigation".

A prohibition order would prevent Mr Radford from teaching. A prohibition order 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 sexual misconduct found proven. The panel has said, "In particular the panel took note that it was not an isolated incident. It was a prolonged period of sexual misconduct with a child [redacted]. Mr Radford also sought to engage a second child in colluding to keep the misconduct secret. Another unpleasant feature of this case was the abuse of the trust of the [redacted] who had [redacted] the teacher. Furthermore, the sexual misconduct only came to an end at the instigation of Pupil A".

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Radford 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 serious circumstances in this case, 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 includes 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 Radford was responsible for prolonged serious sexual misconduct with Pupil A". The panel has also said "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 provision for a review period".

I have considered whether not allowing for a 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, due to the prolonged serious sexual misconduct found proven mean that a 2 year review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

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 Spencer Radford 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 Radford 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 Radford 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: Sarah Buxcey

Date: 29 March 2021

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