



Teaching  
Regulation  
Agency

# **Mr David Farrar: Professional conduct panel outcome**

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

**June 2019**

## Contents

A. Introduction	3
B. Allegations	3
C. Preliminary applications	4
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	18
Decision and reasons on behalf of the Secretary of State	21

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

<b>Teacher:</b>	Mr David Farrar
<b>Teacher ref number:</b>	8940653
<b>Teacher date of birth:</b>	16 May 1968
<b>TRA reference:</b>	17411
<b>Date of determination:</b>	20 June 2019
<b>Former employer:</b>	Shrubland Street Community Primary School and Kingsway Community Primary School

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 June 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr David Farrar.

The panel members were Mrs Kathy Thomson (teacher panellist – in the chair), Mr John Matharu (lay panellist), and Mr Peter Cooper (teacher panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the TRA was Ms. Naomh Gibson of Browne Jacobson LLP.

Mr David Farrar was not present and was not represented.

The hearing took place in public and was recorded.

### **B. Allegations**

The panel considered the allegations set out in the Notice of Proceedings dated 18 April 2019.

It was alleged that Mr David Farrar was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as Head teacher of Shrubland Street Primary School ('Shrubland') and/or Executive Head teacher of Kingsway Primary School ('Kingsway') between 2009 and 2018:

1. During the 2015/2016 academic year at Shrubland, he caused and / or permitted and / or failed to prevent the submission of inaccurate teacher assessment data in respect of the 2015/2016 Key Stage 2 national curriculum assessments;

2. His conduct may be found proven at 1 above lacked integrity and/or was dishonest;
3. During the 2016/2017 academic year at Kingsway, he engaged in inappropriate and/or unnecessary physical contact with one or more pupils, including:
  - a. on or around 16 February 2017 with Pupil A;
  - b. on or around 28 February 2017 with Pupil B.
4. He exchanged one or more emails of a personal and/or inappropriate nature using his work email address(es) at Shrubland and/or during working hours, including:
  - a. emails including and/or attaching inappropriate images;
  - b. emails including inappropriate language;
  - c. emails relating to online gaming.
5. He failed to adequately manage and/or safeguard the financial affairs of Shrubland in that he:
  - a. authorised payment of one or more invoices to Individual A in respect of work which had not been adequately and/or accurately recorded;
  - b. authorised payment of one or more invoices to Individual A, despite there being no formalised and/or written contract and/or service agreement in place between the School and Individual A for payment.

In the Statement of Agreed and Disputed Facts, Mr Farrar explicitly admitted allegation 4 and that particulars 4a and 4b amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The remainder of the allegations were disputed.

## **C. Preliminary applications**

The panel considered an application from Ms Gibson to proceed in the absence of Mr Farrar.

Ms Gibson confirmed that the Notice of Proceedings had been sent to Mr Farrar, at a known address, on 18 April 2019. She confirmed that the Notice of Proceedings contained all of the relevant information as required by the rules.

Ms Gibson explained that Mr Farrar had recently sent correspondence to her dated 13 June 2019. This letter stated:

*"I do not propose to attend or be represented at the hearing and do not oppose it proceeding in my absence...Over the past two years, I have found the process overwhelmingly [traumatic and draining] and cannot contemplate the hearing process even though as will be apparent from my statement I do not accept all of the allegations made against me."*

The panel determined that the Notice of Proceedings had been properly served on Mr Farrar in compliance with the rules.

As to whether it was fair to proceed in his absence, the panel accepted the legal advice and noted that the Notice of Proceedings form stated that *"The panel can decide to go ahead with the hearing even if you do not attend"*.

This warning, in conjunction with the correspondence from Mr Farrar dated 13 June 2019, was sufficient for the panel to determine Mr Farrar was aware of the hearing and had deliberately absented himself. There had been no suggestion, nor request, from Mr Farrar that an adjournment may lead to his attendance and, in any event, his position on the charges was clear from the papers and signed witness statement.

Whilst the panel did note that there was reference to Mr Farrar finding the process 'traumatic and draining'.

The panel determined that Mr Farrar had deliberately absented himself, there was no suggestion that an adjournment would secure his attendance and the panel also felt it to be in his own interest for these matters to be resolved expeditiously. In all the circumstances, it was in the interests of justice for the hearing to proceed in Mr Farrar's absence and therefore allowed the application.

The panel also considered an application from Ms Gibson to amend allegation 5b, by way of the insertion of **"formalised and/or written contract and/or service agreement"**.

Ms Gibson explained that the inclusion of the words was in the interests of justice as it more accurately reflected the agreed facts as set out in the Statement of Agreed and Disputed Facts and that Individual A was not an employee. As a result there was no unfairness to Mr Farrar and, by an email dated 17 June 2019, his solicitor had confirmed there was no objection to the amendment.

In the light of the amendments being minimal and reflecting the true position of the agreed facts, the panel considered it was in interests of justice to allow the application.

## **D. Summary of evidence**

### **Documents**

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

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

Section 2: Notice of Proceedings and Response – pages 6 to 22

Section 3: Teaching Regulation Agency witness statements – pages 24 to 47

Section 4: Teaching Regulation Agency documents – pages 49 to 478

Section 5: Teacher documents – pages 480 to 511

In addition, the panel agreed to accept the following:

- Correspondence from Mr Farrar dated 13 June 2019 – page 512.

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

### **Witnesses**

The panel heard oral evidence from

- Witness (Individual) A
- Witness B
- Witness C
- Witness D
- Witness E
- Witness F

All of the above witnesses were called on behalf of the TRA.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Farrar had been employed at Shrubland Street Primary School ('Shrubland') as Head teacher from 1 September 2009. In the 2016/2017 academic year, he was also appointed as Executive Headmaster of Kingsway Primary School ('Kingsway') when the two schools entered into a joint federation.

In February 2017, an allegation was made to the police that Mr Farrar had used an inappropriate technique to restrain a Kingsway pupil and he was suspended from both schools on 1 March 2017.

Following Mr Farrar's suspension, an investigation took place, which led to further concerns being raised regarding his behaviour and he was dismissed from his role in February 2018.

## **Findings of fact**

Our findings of fact are as follows:

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

**It was alleged that Mr David Farrar was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as Head teacher of Shrubland Street Primary School ('Shrubland') and/or Executive Head teacher of Kingsway Primary School ('Kingsway') between 2009 and 2018:**

**1. During the 2015/2016 academic year at Shrubland, you caused and / or permitted and / or failed to prevent the submission of inaccurate teacher assessment data in respect of the 2015/2016 Key Stage 2 national curriculum assessments**

The panel heard live evidence on this allegation from Witness E, who explained that in the 2015/2016 academic year, she was a Year 6 Classroom Teacher at Shrubland. As part of her role, she undertook Teacher Assessments ('TAs') on those pupils in her class in order to assess their proficiency in, amongst other skills, English Writing.

In evidence, Witness E explained that the Year 6 class pupils were extremely challenging, to such an extent that, for the previous two academic years, the class had been split into two classes by Mr Farrar to minimise disruption. Mr Farrar had, however, combined them again for Year 6 for reasons that Witness E had not been told.

Witness E said that English and Mathematics were scheduled to be taught for one hour per subject each morning. However, extra-curricular activities at Shrubland, especially cheerleading, would often take precedence meaning that ten female pupils often missed those classes. Witness E estimated that in the 2015/2016 academic year, up to 100 classes per pupil had been missed as a result.

Witness E explained that, in June 2016, she undertook her annual TAs for English Writing for her Year 6 class of 27 pupils (one pupil being absent for the TA) and submitted her results internally to Mr Farrar. Of these 27 pupils, Witness E confirmed that she had rated 16 as being at the level expected, with 9 pupils below the necessary standard. However, when Witness E was presented with the final forms for signing, she noted that the TA levels had been amended and were, '*dramatically different*'.

In evidence, Witness E was able to explain and demonstrate these alterations with a comparison of the two tables at pages 69 and 70. She stated that her TA abbreviations of 'EXS' (at expected standard) and 'PKG' (below standard) on page 70 should correspond to the abbreviations, '*At*' and, '*Significantly below*' to that submitted data on page 69. However, of the nine pupils that Witness E rated as being below the necessary standard, only three remained at the '*PKG/significantly below*' level. The remainder of the class had all been upgraded to either being at, or above, the expected standard. None of the pupils' levels had been downgraded.

Witness E explained that pupils are allocated a, 'points score' per year to reflect their improvement in the particular subject. That score, plus their combined scores from previous years, would be amalgamated to produce an overall score at the end of each year. The overall score was then translated into the pupils assessed level of, for example, '*At*', which should mirror the TA of, for example, '*EXS*'.

Witness E said if a pupil was making normal progress, an annual progress score of 3 would be expected. However, some of the pupils in her class had been awarded a 'progress score' of 6 or 7, which she said equated to 2.5 years progress in one year, and meant that their amalgamated score equated to being 'at the expected level' rather than below.

In evidence, Witness E gave specific pupil examples as to why such exceptional progress scores of 6 or 7 could not be accurate. For example:

- Pupil 3 [REDACTED] had significant background issues and would often struggle to stay awake at school. He was a pupil of very low academic ability but had been awarded a score of 6 by Mr Farrar, which equated to two years progress within one year;
- Pupil 7 [REDACTED] was scored as working at a Year 2 Level at the end of Year 5. Despite this, she had been awarded an annual score of 7 for Year 6, which brought her overall score to a level that equated to being 'at the expected' level;
- Pupil 10 [REDACTED] had Special Needs. Witness E accepted that he had made some, limited progress but had been assessed as scoring 6 points, which equated as two years progress, and brought him up to the 'at the expected level'; and
- Pupil 11 [REDACTED] had been given a score of 5, which equated to being 'Above' the necessary level. Witness E confirmed that this was a completely inappropriate



assessment, especially as the pupil arrived at Shrubland the year before, only able to speak French.

As a result of the changes in her TAs, Witness E explained that she went to Mr Farrar's office for an explanation for the internal amendments to the scores. However, in evidence, Witness E said that all Mr Farrar repeatedly stated was that he was the head-teacher and it is was his role to ensure that the correct results were submitted. No explanation was provided for the change in the assessments by Mr Farrar.

When challenged further, Witness E said that Mr Farrar responded in a 'low, threatening voice' and told her that, *'Well I've managed better people than you out of your position'*.

Witness E confirmed that she felt intimidated and pressurised by Mr Farrar and she, reluctantly, signed the amended results although she now regretted doing so.

In evidence, Witness E did not accept that Mr Farrar had better knowledge of the Year 6 class, and their capabilities for English Writing, for a number of reasons. Specifically, the English Writing curriculum had changed in 2014 (effective for Year 6 from 2015) and Mr Farrar had had no experience of this new curriculum. In addition, whilst Mr Farrar may have occasionally taught the class, this was only for PE and verbal reasoning rather than English: according to Witness E none of these classes would involve writing tasks.

Witness E was adamant that Mr Farrar did not teach for any more than possibly 20% of the working week and had no first-hand knowledge of the scores that the individual pupils should properly be awarded.

Witness E acknowledged that whilst Mr Farrar was a teacher of much greater experience than her, she also stated that she had much more relevant experience of the Year 6 class and the pupils' capabilities, than Mr Farrar did. Witness E said that her assessments had not previously, or since, been criticised and if Mr Farrar did have concerns, she would have expected a professional discussion to have taken place. Witness E also stated that if Mr Farrar deemed her assessments to be incorrect, then the appropriate course of action would be for the pupils' work to be assessed by another trained moderator.

Witness E had no concerns regarding the points awarded to the Year 6 pupils at the end of their previous academic year as the class teachers of the split class consisted of a trained moderator and the school Lead in English. It was not, therefore, the case that the increased points awarded by Mr Farrar at the Year 6 stage were compensating for incorrect low figures from the year before in order to reflect correctly the pupils' true abilities.

Witness E accepted that it was possible for Mr Farrar to have reviewed the pupils' class books over a weekend in order to view an opinion on their capabilities. Nevertheless, she thought it unlikely to have happened as she was generally in Shrubland before Mr Farrar on a Monday morning and never found the books to be missing.

The panel also heard live evidence from Witness B [REDACTED].

Witness B stated that around June 2016, Witness E had approached him, visibly upset as her TAs had been altered by Mr Farrar. At that time, Witness B did not feel himself to be in a position to challenge Mr Farrar, in part due to, 'self-preservation'.

In evidence, Witness B explained that Mr Farrar did not have conduct for many classes save for the occasional PE class if other teachers were absent. He estimated that this would only amount to around 10% of Mr Farrar's time.

In his written response and the Statement of Agreed Facts, Mr Farrar accepted that he had made amendments to the TAs submitted by Witness E. However, these changes were only to correct the inaccurate assessments conducted by Witness E and it was his responsibility, as the head teacher, to ensure the pupils were properly assessed.

Mr Farrar had stated he had knowledge of the pupils' abilities as he would take their class books home with him at weekends in order to review them.

In the panel's view, Witness E gave evidence in a clear and consistent manner. She was able to articulate the reasons as to why she was better placed to assess accurately the Year 6 pupils and why a large number of the pupils' final assessment levels could not be accurate as a result of their annual points scores having been inflated. Witness E had taught the class English Writing skills for the entire year and had therefore built up a properly informed opinion of their capabilities. Witness B was open in his evidence and corroborated Witness E's account as to how little involvement Mr Farrar had had in teaching the class, meaning that Mr Farrar could not have conducted an accurate assessment of the pupils' abilities.

Time and context is required in order for a full and informed assessment of a pupil's performance to take place. The person best placed to have provided this was Witness E and, if she had been at genuine fault in her TAs, then the panel would have expected some of her assessments to be downgraded rather than all improved.

On balance, the panel preferred the live, oral evidence of Witness E and Witness B to that of Mr Farrar. The panel did not accept that Mr Farrar had taken the Year 6 pupils' class books home to review at weekends. The extreme improvements in a number of pupils' assessments, and the fact that all changes were upwards, was sufficient to persuade the panel that the TAs submitted were inaccurate and Mr Farrar had caused, permitted and failed to prevent these being submitted.

The panel therefore found this allegation proved.

## **2. Your conduct may be found proven at 1 above lacked integrity and/or was dishonest**

Whilst the panel did not hear live evidence on this particular allegation, it was assisted by the evidence of Witness E, who explained that a number of low pupil assessments could lead to an inspection from OFSTED and possibly trigger an external moderation visit. In

contrast, a set of higher assessments would, of course, mean Shrubland, led by Mr Farrar, being considered more positively in the community and avoid scrutiny.

In the panel's view, as the head teacher of Shrubland, it was Mr Farrar's responsibility to ensure that a true assessment of pupils' Key Stage 2 abilities be submitted. The panel determined that there was no proper reason for Mr Farrar to have a genuine belief that he could accurately and properly assess the abilities of the Year 6 class, especially in circumstances of some of their annual progress scores amounting to over two years' progress. Such extreme increases for a number of pupils must be viewed with scepticism.

There was also no reason for Mr Farrar to consider Witness E's TAs to be deemed inaccurate. In the panel's view, Mr Farrar was aware that the Year 6 class was working to a below-par standard and he, therefore, deliberately inflated a number of pupils' assessments so that the significant majority of the class was assessed to be '*at the expected*' level or better.

On the basis of the evidence before the panel, there was no legitimate reason for the accurate pupils assessments from Witness E to be inflated on such a wide-spread basis and without a proper basis. Mr Farrar's conduct can only be viewed as dishonest behaviour, which lacked integrity. The panel therefore finds this allegation proved.

### **3. During the 2016/2017 academic year at Kingsway, you engaged in inappropriate and/or unnecessary physical contact with one or more pupils, including: a. on or around 16 February 2017 with Pupil A**

The panel heard live evidence on this allegation from Witness F, a teacher at Kingsway.

Witness F explained that during a school-break time, she and another teacher went to the playground to collect Mr Farrar for a presentation. Witness F saw him standing over Pupil A, a Year 3 pupil, who looked irate and was shouting. Following a brief conversation with Mr Farrar, Witness F walked away but, as she was doing so, she saw Mr Farrar pick up Pupil A, '*like a roll of carpet*' and carried him for about ten metres before putting him down forcefully.

Witness F stated that she went back inside Kingsway but felt 'uneasy' as to what she had seen so returned outside five to ten minutes later. In doing so, she again saw Mr Farrar pick up Pupil A, this time by his shoulders, and carry him for a few metres. Because of Pupil A's wriggling, Witness F explained that Mr Farrar ended up gripping him around the neck and throat.

Witness F confirmed that, despite training to become the Designated Safeguarding Lead ('DSL'), she had not intervened at any point.

Witness F described Mr Farrar's previous behaviour at Kingsway as, 'odd' and gave examples of these to the panel. Following the incident with Pupil A, she was so concerned that she began to make a record of her observations of Mr Farrar. The panel had the benefit of this note, which was broadly consistent with the account given to the panel by Witness F.

In his written response to the allegation, Mr Farrar accepted that he had lifted Pupil A but explained that this was in order to carry the pupil away from an aggressor pupil. He then spoke to Pupil A in a calm manner and explained what the pupil should do in the future.

Mr Farrar stated that any contact that he had with the pupil was therefore both necessary and appropriate in order to maintain Pupil A's safety.

In the panel's view, Witness F gave evidence in a coherent and consistent manner. In questioning, she was quite clear as to what she had seen Mr Farrar do to Pupil A and that this did not comply with the guidelines relating to appropriate holding techniques in which all staff had been trained.

The panel did not determine there to be any reason for Witness F to create this version of events. Indeed, as a future DSL, considering she had decided not to intervene, she had left herself open to potential criticism but had still attended to give evidence, and accepted she wished she had dealt with the matter differently.

Taking all of the above points into account, the panel preferred the evidence of Witness F to the written evidence of Mr Farrar as to the events that took place that Witness F witnessed.

Clear and unambiguous boundaries must be retained between a teacher and pupil. Whilst the panel accepted that there may be exceptional situations that require a teacher to physically touch a pupil, any touching must be as minimal as possible, both in terms of the length of time and physical interaction.

From the accepted evidence of Witness F, there was no exceptional circumstance and therefore no need for Mr Farrar to carry Pupil A at all. On that basis, the physical contact was inappropriate and unnecessary.

The panel therefore found this allegation proved.

#### **b. on or around 28 February 2017 with Pupil B.**

The panel heard live evidence on this allegation from Witness F, who described Pupil B as being the most vulnerable pupil at Kingsway [REDACTED]. Due to this, Witness F accepted that Pupil B's behaviour could be described as 'volatile'.

Witness F explained that just after 1pm on 28 February 2017, she was in Kingsway's staffroom and heard Pupil B shout "*let go of me!*" from outside of the staff-room. She stated

that this caused her to go out and she saw Mr Farrar holding Pupil B's wrist and dragging the child down the hallway. In evidence, Witness F said that Mr Farrar's knuckles were white from the strain of dragging Pupil B, who was crying and holding onto a doorframe.

Witness F said that she saw Mr Farrar trying to prise Pupil B's fingers from the doorframe and she told Mr Farrar repeatedly to '*be more careful*'. Witness F also said Pupil B was, 'sobbing hysterically' and asked her for help but had then been picked up by Mr Farrar, who carried him approximately three metres into his office before putting him down with force.

At this point, Witness F left the scene, returned to the staff-room and '*burst into tears*'. She said that she remained there for five to ten minutes before returning to Mr Farrar's office, where she saw him performing an incorrect, 'wrap hold'. Witness F demonstrated this action to the panel, with her hands interlocked and pulling up just under the breastbone.

In evidence, Witness F said that, at this point, Pupil B had screamed "*You're hurting my heart, let go!*" and she had intervened to calm Pupil B down. She suggested to Pupil B that they went to the 'Owls Nest', a calm area of Kingsway, but Mr Farrar had refused this.

Witness F again confirmed that she had made a near contemporaneous note of this event, which the panel had the benefit of being able to review. In evidence, Witness F stated that she had never witnessed, "anything so distressing" and, as a result, had reported the incident to the police that evening.

In his written responses, Mr Farrar confirmed that he was aware of Pupil B's history and vulnerability. In respect of the events, he explained that Pupil B had been hitting another pupil outside so Mr Farrar had brought Pupil B into the school building. He also stated that an unnamed sports-teacher had been this incident and confirmed that Mr Farrar had used reasonable force.

Mr Farrar did accept that he could have managed the situation differently and stated that, on one interpretation, his actions could be viewed as unnecessary. His response, however, did not detail why his contact may have been viewed in this way.

In the panel's view, Witness F live evidence was coherent and clear. Whilst the panel did consider some parts of her evidence may have seemed exaggerated and her language emotive, the panel also considered this to be an extreme circumstance and there was no suggestion that any of the core facts Witness F gave evidence on were incorrect. In contrast, Mr Farrar's account was limited and he accepted, to some unknown extent, that his contact may have been inappropriate. For these reasons, the panel preferred Witness F version of events over that of Mr Farrar, which was supported by Witness F determining it necessary to report the incident to the police.

As for the previous allegation, clear and unambiguous boundaries must be retained between a teacher and pupil. With regard to the events witnessed by Witness F, there were

no exceptional circumstances that would justify Mr Farrar's contact with Pupil B, especially for such a repeated and prolonged period. Teachers must de-escalate such emotional incidents but it appeared that Mr Farrar's actions had, in fact, prolonged the situation.

In all the circumstances, the panel determined that Mr Farrar's physical contact with Pupil B was unnecessary and inappropriate and therefore found this allegation proved.

**4. You exchanged one or more emails of a personal and/or inappropriate nature using your work email address(es) at Shrubland and/or during working hours, including:**

**a. emails including and/or attaching inappropriate images**

The panel noted the Statement of Agreed Facts in which Mr Farrar accepted this allegation. The panel also had the benefit of viewing the images, which included a number of images of a naked adult female and an adult female in lingerie, and that some of these had been forwarded from the general Shrubland Head teacher account to his personal Shrubland account.

On the basis of the above, the panel find this allegation proved.

**b. emails including inappropriate language**

The panel noted the Statement of Agreed Facts in which Mr Farrar accepted this allegation. In addition, the panel noted that a number of the emails exchanged had included the following phrases:

- *SKI [REDACTED] the magazine for [REDACTED] who ski;*
- *Braying like a [REDACTED] in the hotel bar;*
- *'Frankly, it looks like they could have cast her ass in bronze as well!'*

On the basis of the Statement of Agreed Facts and the points above, the panel found this allegation proved.

**c. emails relating to online gaming.**

The panel noted the Statement of Agreed Facts in which Mr Farrar accepted this allegation. The panel also had sight of some of the emails, which were time-stamped as being sent during working hours on weekdays.

The panel therefore found this allegation proved.

**5. You failed to adequately manage and/or safeguard the financial affairs of Shrubland in that you:**

**a. authorised payment of one or more invoices to Individual A in respect of work which had not been adequately and/or accurately recorded**

The panel heard live evidence on this allegation from Witness (Individual) A who explained that she had made a verbal agreement with Mr Farrar to provide dance and cheerleading lessons to pupils of Shrubland.

Witness (Individual) A stated that this agreement had continued for a number of years but that nothing was ever formalised. She would, instead, submit invoices for the work undertaken during a month, with the working days and hours particularised, and would be reimbursed for her services.

Witness (Individual) A explained that she would generally only work on Tuesdays and Thursdays but would often also work additional hours if agreed with Mr Farrar. This would often mean that meant her total chargeable time could not be properly recorded for just a Tuesday and Thursday. Mr Farrar had, therefore, asked her to invoice the correct total number of hours worked but spread over the working week. Whilst she was initially uncomfortable with this manner of invoicing, she did not query it.

Witness (Individual) A confirmed that, to her knowledge, she had never been over or under paid by Shrubland.

Mr Farrar accepted in his statement that he authorised payments to Witness (Individual) A , which had not been accurately recorded as the payments had been spread, albeit at Witness (Individual) A's request.

The panel noted the handwritten time-sheet produced by Mr Farrar that appeared, informally, to record Witness (Individual) A's working hours on particular days. The total number of hours recorded on these records roughly correlated to the total number of hours claimed by Witness (Individual) A on the invoices submitted for the relevant period.

In the panel's view, accurate records of work undertaken by a contractor, that a school has a financial responsibility to pay, must be maintained. Without such a record, a school leaves itself vulnerable to financial abuse, albeit the panel accepted that this situation appeared to be created from circumstances of inept record-keeping rather than anything nefarious.

On the basis of the above, the panel found this allegation proved.

**b. authorised payment of one or more invoices to Individual A, despite there being no formalised and/or written contract and/or service agreement in place between the School and Individual A for payment.**



The panel heard live evidence on this allegation from Witness (Individual) A who explained that she had made a verbal agreement with Mr Farrar to provide dance lessons to pupils of Shrubland.

Witness (Individual) A stated that this agreement had continued for a number of years but that no arrangement was ever formalised in writing. She would, instead, submit invoices for the work undertaken during a month, with the purported working days and hours particularised, and would be reimbursed for her services. Witness (Individual) A also confirmed that there was no service agreement in place.

The panel also heard live evidence on this allegation from Witness D who explained that when the office received an invoice from Witness (Individual) A, these would be given to Mr Farrar for authorisation, which he would approve by signing the bottom of the invoices. From Witness D memory, she could not recollect Mr Farrar ever declining to settle Witness (Individual) A's invoices.

The panel noted that in the Statement of Agreed Facts, Mr Farrar accepted that there was no written or formal contract in place with Shrubland and Individual A despite Witness (Individual) A's receipt of approximately £32,700 from Shrubland from July 2015 to January 2017.

Mr Farrar denied that there was anything inappropriate in this arrangement with Witness (Individual) A as he had a discretion with regard to recruitment and remuneration.

From the evidence of Witness (Individual) A and the Statement of Agreed Facts, the panel determined, on balance, that there was no formalised/written contract or service agreement in place between Witness (Individual) A and Shrubland.

In the panel's view, with consideration to the amount of monies paid to Witness (Individual) A over an 18-month period, both a formal written contract and a service agreement should have been in place to ensure that all parties were absolutely clear on the terms of the agreement. This arrangement would mean, if necessary, monies could be more easily recovered from Witness (Individual) A in the event a suitable level of service not being provided by her. Such an arrangement should be a basic tenet of sound financial management of public funds and Mr Farrar had failed to ensure that this had taken place.

On this basis, the panel found this allegation proved.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.



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

The panel is satisfied that the conduct of Mr Farrar in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Farrar 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;
  - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Farrar amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession for each allegation, and particular of allegation.

The panel has also considered whether Mr Farrar's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 and the panel has found the offence of fraud or serious dishonesty to be present.

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 has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

In the circumstances of Mr Farrar's behaviour, the panel determined that his proven actions 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 is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them relevant to this case, namely:

- the protection of pupils;
- 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 Farrar, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of Mr Farrar unnecessary and inappropriate handling of two pupils, one of whom was described as the most vulnerable at Kingsway, [REDACTED].

Similarly, there is a strong public interest consideration in declaring and upholding proper standards of conduct as well as maintaining confidence profession, which involved his dishonestly inflating TAs so that pupils' true abilities were incorrectly represented, and failing to ensure sound financial management was in place at Shrubland.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Farrar regarding inappropriate emails being exchanged was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Farrar.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Farrar.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Whilst the panel acknowledged that Mr Farrar had a previously good record, it did not determine that his actions were not deliberate or that he was acting under duress.

The panel noted the achievements that Mr Farrar had included in his witness statement. These were, however, achievements without corroboration and the panel gave these limited weight.

Similarly, whilst the panel acknowledged that two of the live witnesses had been relatively complimentary regarding Mr Farrar's management style, the panel also had in mind the fact that the four other live witnesses had, instead, been extremely critical. For this reason, the panel gave the positive testimonials only limited weight.

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

In the panel's view, each of the allegations against Mr Farrar is extremely serious. The public, and the profession, must be able to rely upon teacher assessments to be accurate in order to ensure that pupils receive the correct support at the appropriate time. By inflating the TAs of the pupils, Mr Farrar created a false representation of the pupils' true abilities, thereby potentially limiting their access to necessary future support for their education. The inflated assessed scores submitted by Mr Farrar also meant that Witness E's original, accurate assessments were disregarded.

Similarly, on two separate occasions, Mr Farrar has used unnecessary and inappropriate handling techniques in the physical movement of young pupils. Whilst the panel accepted that there was no evidence that either pupil had suffered physical harm, Mr Farrar's actions created the real possibility of the pupils being exposed to harm and there was evidence of emotional distress to the pupils.

Part of an executive head teacher's role must be to ensure a school's finances are properly maintained and, if needed, monies can be recovered. Mr Farrar had failed to ensure these protections were in place and had failed to do so over a lengthy period of time.

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

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Farrar and makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. 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 proven, would militate against a review period being recommended. One of the behaviours present is fraud or serious dishonesty.

Mr Farrar has not expressed any remorse or appreciation that his conduct may have negatively impacted on the pupils' ongoing education and physical welfare of the children.

He has not proposed any suggestion as to how his behaviour may be improved or changed in the future.

Whilst Mr Farrar admitted one allegation, and the partial facts of others, which may suggest some limited insight into his behaviour, the panel did not have the benefit of any live evidence from him that may have assisted in determining any deeper insight. The panel therefore only gave Mr Farrar limited credit for his possible insight.

In the panel's view, all of the proven allegations were serious and Mr Farrar had not provided any evidence of ongoing remediation or suggested he would change his behaviour were similar circumstances to occur again.

The panel felt 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 eight 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 Farrar should be the subject of a prohibition order, with a review period of eight years.

In particular, the panel has found that Mr Farrar 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;
  - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has said that it, "is satisfied that the conduct of Mr Farrar amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession for each allegation, and particular of allegation."

The panel has also considered whether Mr Farrar's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice, and the panel has found "the offence of fraud or serious dishonesty to be present."

These findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher.

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 Farrar, 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 both, “his dishonestly inflating TAs so that pupils' true abilities were incorrectly represented, and failing to ensure sound financial management was in place at Shrubland” and “unnecessary and inappropriate handling of two 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, “ Mr Farrar has not expressed any remorse or appreciation that his conduct may have negatively impacted on the pupils' ongoing education and physical welfare of the children. He has not proposed any suggestion as to how his behaviour may be improved or changed in the future. Whilst Mr Farrar admitted one allegation, and the partial facts of others, which may suggest some limited insight into his behaviour, the panel did not have the benefit of any live evidence from him that may have assisted in determining any deeper insight. The panel therefore only gave Mr Farrar limited credit for his possible insight.”

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

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, “has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.”

I am particularly mindful of the finding of dishonesty 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 Farrar himself. The panel has said, “ Mr Farrar had not provided any evidence of ongoing remediation or suggested he would change his behaviour were similar circumstances to occur again.” In the absence of any information concerning Mr Farrar’s contribution to the profession and previous behaviour, I have assumed that Mr Farrar has a good history.

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “ The panel therefore only gave Mr Farrar limited credit for his possible insight.”

I have also placed considerable weight on the finding of the panel that Mr Farrar, “created a false representation of the pupils' true abilities, thereby potentially limiting their access to necessary future support for their education”, “used unnecessary and inappropriate handling techniques in the physical movement of young pupils, and in respect of financial matters “ failed to ensure these protections were in place and had failed to do so over a lengthy period of time.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Farrar 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 an 8 year review period.

I have considered the panel’s comments concerning insight and remorse, concerning the seriousness of the misconduct found and the range of misconduct covered. The panel

has also said that an 8 year review period would, “would be proportionate in all the circumstances

I have considered whether an 8 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, there are a number of factors that mean that an eight year review period is necessary, these are the dishonesty found, the repeated serious nature of the misconduct involving pupils, the financial misconduct and lack of insight. The guidance published by the Secretary of State sets out that a no review period might be appropriate for dishonesty. However I have accepted the panel’s recommendation in this case that a lengthy review period is proportionate and in the public interest.

I consider therefore that an eighth year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr David Farrar 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 29 June 2027, 8 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 David Farrar remains prohibited from teaching indefinitely.

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

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



**Decision maker: Alan Meyrick**

**Date: 21 June 2019**

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