



Teaching
Regulation
Agency

Dr William Sharkey: Professional conduct panel meeting outcome

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

May 2022

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

Teacher:	Dr William Sharkey
Teacher ref number:	3836617
Teacher date of birth:	21 August 1984
TRA reference:	20586
Date of determination:	19 May 2023
Former employer:	Bryanston School, Dorset and Lymm High School, Warrington

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 May 2023 by virtual means, to consider the case of Dr William Sharkey.

The panel members were Mr Jeremy Phillips KC (lay panellist – in the chair), Mrs Melissa West (teacher panellist) and Ms Caroline Downes (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Dr Sharkey that the allegations be considered without a hearing. Dr Sharkey provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Laura Vignoles of Kingsley Napley, Dr Sharkey or his representative, Ms Anna Macey of National Education Union.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 11 May 2023.

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

1. On 2 February 2016, he allowed a pupil into his resident flat at Bryanston School, after being told by the Housemaster that this was neither appropriate nor permitted;
2. On a date prior to 1 September 2015, he did not disclose full details of his employment history during his application to Bryanston School;
3. In 2015 and/or 2016, he told colleagues at Bryanston School that he had been a member of the Special Air Services (SAS) of the British Army, when he had not;
4. In October 2020, during his application for employment and/or during the recruitment process with Lymm High School, he:
 - a. stated on his application form that he had been employed by the University of Southampton between September 2012 and December 2016, when he had not;
 - b. did not disclose that he had previously been employed at Bryanston School;
 - c. did not disclose that he had been dismissed from Bryanston School;
5. On various dates in July and August 2021, whilst employed as a teacher at Lymm High School, engaged in inappropriate communications with Pupil A in that:
 - a. he shared details of what he had been doing in his personal life;
 - b. they were over familiar in nature;
6. By reason of his conduct at paragraphs 2, 3 and 4 above he:
 - a. acted dishonestly, and/or;
 - b. failed to act with integrity.

Dr Sharkey admitted all of the facts alleged and that he was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 5 to 7

Section 2: Notice of Meeting and response – pages 8 to 23

Section 3: Teaching Regulation Agency witness statements – pages 24 to 48

Section 4: Teaching Regulation Agency documents – pages 49 to 364

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

Statement of agreed facts

The panel considered a Statement of Agreed Facts which was signed by Dr Sharkey by the application of his name to the document on 2 May 2023. The panel has seen an email from Dr Sharkey's representative forwarding the signed statement of agreed facts on the same day.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Dr Sharkey for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

On 1 June 2015, Dr Sharkey applied for the position of boarding house resident in religious studies at Bryanston School. He commenced this role on 1 September 2015 and was responsible for undertaking duties in the boarding house, including ensuring pupils had gone to bed and tasks relating to the general running of the boarding house. Dr Sharkey was also a teacher of philosophy, undertaking a limited amount of teaching and teaching assistance, although his primary role was as boarding house resident. On 13 February 2016, Dr Sharkey's employment at Bryanston School was terminated with immediate effect. Dr Sharkey was employed at Lymm High School as head of religious studies from 23 October 2020 until 21 January 2022.

Findings of fact

The findings of fact are as follows:

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

1. On 2 February 2016, he allowed a pupil into his resident flat at Bryanston School, after being told by the Housemaster that this was neither appropriate nor permitted;

Dr Sharkey admitted that, on 1 February 2016, he was told by the housemaster that it was not permitted to have pupils in his accommodation. Dr Sharkey further admitted that, on 2 February 2016, he allowed a female pupil to enter his accommodation at a time when there was no other adult present in the accommodation.

[REDACTED] ("Person B") stated that, on 1 February 2016, he had witnessed a female pupil leaving the boarding house, coming from the direction of Dr Sharkey's accommodation, and there would have been no reason for a pupil to have been in that vicinity of the boarding house without her being in or near the staff accommodation. He stated that this was unusual since it was a female pupil and the boarding house was for male pupils. He stated that he spoke with Dr Sharkey, on an informal basis, and explained that it was not permitted to have pupils in his accommodation. He did not recall making any note of the conversation or whether Dr Sharkey gave any explanation. He stated that, the following day, he observed the same pupil again leaving the boarding house from the direction of Dr Sharkey's accommodation. He stated that he spoke with Dr Sharkey again on 3 February 2016. Dr Sharkey stated that he had been caught unawares when the pupil had arrived at his door. The housemaster sent an email on 3 February 2016 to Dr Sharkey confirming their conversation. The housemaster stated that, due to the passage of time, he was unable to recall the pupil's name. He remembered that she had been in the [REDACTED], but could not remember if she had any particular vulnerabilities. He recalled that Dr Sharkey had suggested that the pupil had been seeking assistance with the university application process.

[REDACTED] ("Person C") stated that he met with Dr Sharkey on 9 February 2016 to clarify why a female pupil had gone into Dr Sharkey's flat on 2 February 2016, after he had been advised by the housemaster that this should not have happened. He stated that Dr Sharkey explained that the pupil had "just turned up" and accepted that he had received advice from Person B the day before.

The notes of a disciplinary appeal hearing recorded that Dr Sharkey stated that he had been giving advice to the pupil as to which universities would be appropriate for the course she wished to study. He stated that he had thought Person B's words were just advice. He stated that, when the pupil had attended the following day, he had just woken up [REDACTED] as the doorbell rang, that he had opened the door and the pupil had come in. He stated that he had been "[REDACTED]", and it was not until she sat down that he had realised she should not be there, so they had a quick talk, and he asked her to leave.

The panel found that Dr Sharkey's admission as to the particulars of the allegation was corroborated by the evidence of Person B. The panel found this allegation proven.

2. On a date prior to 1 September 2015, he did not disclose full details of his employment history during his application to Bryanston School;

In his Statement of Agreed Facts, Dr Sharkey admitted that he submitted an application form dated 1 June 2015 to Bryanston School. The application form stated under the heading “Previous Employment History”: “Please list these in reverse date order. Please note that, as this post has substantial access to children, you are required to provide a full employment history.” Dr Sharkey said that he had previously worked for an energy firm and a politician’s research team. He admitted that these positions were not included in the application form, nor in the CV that he submitted alongside the application form. The application form included a declaration of truth which was signed by Dr Sharkey on 1 June 2015. Dr Sharkey admitted that, at the time the application form and CV were completed, he was aware that he should have included his employment with the energy firm and the research team.

Person C stated that during a meeting with Dr Sharkey on 29 January 2016, Dr Sharkey had stated that he had worked for an energy company for 7 months and had also worked for a politician during the election campaign in 2010. Person C stated that these roles had been left off Dr Sharkey’s application form.

The notes of the appeal hearing record that Dr Sharkey had said that he had worked at a call centre for an energy company from July to September 2009 and that he had taken a job with a politician in October 2010. He stated that, in respect of the latter role, he had initially been a volunteer and was then promoted to being a paid member of staff and had continued in this role until July 2012. He stated that he had neglected to mention the details of his previous employment as he had filled in the application form in a hurry: that most application forms ask for relevant history, and he had not thought this employment was relevant.

The panel considered Dr Sharkey’s application form, covering letter and cv for the position at Bryanston School. There was no reference in any of these documents to any employment with either the energy company or for a politician. The panel had also seen Dr Sharkey’s letter appealing the decision to terminate his employment at Bryanston School. This confirmed that he had said he had been employed at an energy company.

In light of Dr Sharkey’s admission, the information he had provided regarding his previous employment with an energy company and a politician and the omission of these roles from his application form, the panel found this allegation proven.

3. In 2015 and/or 2016, he told colleagues at Bryanston School that he had been a member of the Special Air Services (SAS) of the British Army, when he had not;

In his Statement of Agreed Facts, Dr Sharkey admitted that he had informed one or more colleagues that he had been injured in a warzone, while a member of the SAS or words to that effect. He admitted that he had not been injured in a warzone. He also admitted

that he had not ever been a member of the SAS. He admitted that he knew that his statement was incorrect when he informed colleagues of this.

Person B stated that he had been told by Dr Sharkey that he was a member of the SAS, had suffered an injury and had been shot. He stated that this was a story well-known around the school, that it was something that Dr Sharkey told the boys in the boarding house and a number of colleagues at the school were aware of it. Person B stated that he had been present at a meeting with Dr Sharkey on 29 January 2016 during which Dr Sharkey confirmed that he had not been injured overseas while serving in the SAS. A note of this meeting was made, and Person B confirmed the accuracy of the note.

Person C stated that he had been made aware by other staff members that Dr Sharkey had explained that he had been shot whilst on deployment with the SAS. He stated that he had met with Dr Sharkey on 4 January 2016 and Dr Sharkey advised him that he had been a part time reservist in the SAS between 2004 and 2009 when completing his degree. Person C stated that, during this conversation, Dr Sharkey had stated that he had been shot twice, and clarified that he had received two shots on one occasion, rather than having been shot on two occasions. Dr Sharkey explained that he had been asked by the pupils about his running style, and he had told them about the incident.

On 29 January 2016, a further meeting with Dr Sharkey took place with [REDACTED] ("Person D") and the former second master. Dr Sharkey maintained during this meeting that he had been part of the SAS as a reservist with a commitment of 80 days' training and operations each year between 2004 and 2009, that he had been in combat renaissance and refused to explain where he had been deployed. Person C stated that he had left the meeting. Person D later told Person C that Dr Sharkey had explained that his SAS service had been fabricated and that he had not deployed abroad, that his "wounds" were an old running injury and that his story had been to hide [REDACTED]'s note of this meeting confirmed that Dr Sharkey had provided this information when challenged by Person D about his military career history. Person C stated that he had met with Dr Sharkey again later the same day and Dr Sharkey confirmed that he had not been injured overseas whilst serving with the SAS, and that he had lied when he had previously maintained this assertion.

Person C stated that he had attended a further meeting with Dr Sharkey on 13 February 2016 in which Dr Sharkey stated he had been [REDACTED] he had made up a lie about being in the SAS, and had maintained that lie since he was in university. In the notes of his appeal hearing, Dr Sharkey stated he had panicked, could not think quickly enough for what he should say so used his default lie and that this lie had subsequently "got out".

The panel had seen an email from Dr Sharkey to colleagues of 29 December 2015 in which he stated that he had been shot twice in a war-zone.

Dr Sharkey's admission was corroborated by the evidence of Person B, Person C, and the written note prepared by Person D. It was also corroborated by Dr Sharkey's email to colleagues of 29 December 2015. The panel found this allegation proven.

4. In October 2020, during his application for employment and/or during the recruitment process with Lymm High School, he:

- a. stated on his application form that he had been employed by the University of Southampton between September 2012 and December 2016, when he had not;**
- b. did not disclose that he had previously been employed at Bryanston School;**
- c. did not disclose that he had been dismissed from Bryanston School;**

In his Statement of Agreed Facts, Dr Sharkey admitted that he submitted an application form dated 20 October 2020 for employment with Lymm High School. The application form asked for "Previous Teaching Posts Held (earliest first)". The application form included a declaration of truth which Dr Sharkey admitted that he had signed on 15 October 2020.

Dr Sharkey admitted that he was employed by the University of Southampton as a part-time lecturer between 1 October 2014 and 31 May 2015. Prior to 1 October 2014, he was carrying out a PhD at the University of Southampton. Dr Sharkey admitted that his application form stated that he had been employed by the University of Southampton as a "Lecturer of Moral and Political Philosophy and Political Economics between September 2012 and December 2016. Dr Sharkey admitted that he knew when he entered this information that it was incorrect.

The panel had seen a letter confirming that Dr Sharkey was employed as a part time lecturer at the University of Southampton from 1 October 2014 to 31 May 2015. The panel had also seen Dr Sharkey's application form which recorded his employment at the University of Southampton from September 2012 until December 2016.

In his Statement of Agreed Facts, Dr Sharkey admitted that the application form did not include his period of employment at Bryanston School, nor that he had been dismissed from Bryanston School, despite being aware that he had been employed and dismissed by Bryanston School. Dr Sharkey admitted that, when he was asked by [REDACTED] ("Person E") about his dismissal from Bryanston School, he did not disclose that the reasons for his dismissal included his allowing a female pupil to come to his accommodation when he had been warned not to do so. Dr Sharkey admitted that, at the time of his conversation with Person E, he had been aware that the attendance of the pupil at his accommodation was one of the reasons for his dismissal from Bryanston School.

Person E stated that Dr Sharkey had not detailed Bryanston School as a prior employer on his application. Person E stated that he had not been aware of this until he was contacted by [REDACTED] at another secondary school who had received a report from one of their teachers that they were aware that Dr Sharkey was working at Lymm High School and were concerned since Dr Sharkey had previously been dismissed from Bryanston School. Person E stated that he spoke with [REDACTED] who confirmed that Dr Sharkey had been dismissed from his position there. He also confirmed that Bryanston School had told him that Dr Sharkey was dismissed because he had disregarded instructions relating to taking a pupil into his flat in the boarding house, as well as having failed to provide full details of his previous employment history and having made false representations regarding his past. The panel had seen an email from [REDACTED] to Person E confirming the details of Dr Sharkey's employment at Bryanston School and the reasons for his dismissal.

The panel had also seen Dr Sharkey's application form which made no reference to employment at Bryanston School.

Dr Sharkey's admission was supported by the evidence of Dr Sharkey's employment at Bryanston School and at Southampton University and the application form itself. The panel found this allegation proven.

5. On various dates in July and August 2021, whilst employed as a teacher at Lymm High School, engaged inappropriate communications with Pupil A in that:

- a. he shared details of what he had been doing in his personal life;**
- b. they were over familiar in nature;**

In his Statement of Agreed Facts, Dr Sharkey admitted that Pupil A was [REDACTED] in July and August 2021 and that she was considered to be a vulnerable pupil by reason of her [REDACTED]. Dr Sharkey admitted that he was aware of those vulnerabilities in July and August 2021. He admitted having sent Pupil A emails in July and August 2021 containing details as to what Dr Sharkey had been doing in his private life. He admitted that his emails were over-familiar in their nature.

Person E confirmed that Pupil A was a vulnerable pupil. He confirmed that Dr Sharkey was teaching her religious studies and that she was [REDACTED] at the time that Dr Sharkey contacted her over the summer holidays. He confirmed that Dr Sharkey was aware of her vulnerabilities and that may have been a reason that he had been checking on her. Person E stated that Pupil A had [REDACTED] when Dr Sharkey was contacting her. After Person E became aware of a concern that Dr Sharkey had been in contact with Pupil A over the summer holidays, Person E stated that he asked Dr Sharkey to provide the email communication between him and Pupil A. He stated that the initial version of the email that Dr Sharkey produced only included one email response from Pupil A and

did not include the entire email chain, although eventually this was provided by Dr Sharkey.

The panel had seen emails sent by Dr Sharkey to Pupil A in July 2021 and August 2021. This included the phrase “Stay awesome”, “Hahahahahahhaa!!!”, the use of emojis, sharing information regarding trips he had taken and a book that he was reading. The panel noted that Dr Sharkey initiated the contact.

The panel found that the email communications with Pupil A were inappropriate and over familiar in nature. They failed to maintain the professional relationship between teacher and pupil during the school holidays. His communications blurred the boundaries and risked the pupil misinterpreting the nature of the communications. The vulnerable nature of this pupil ought to have signalled that there was a need for Dr Sharkey to exercise caution in his communications with her. Dr Sharkey may have been well intentioned to check in with a vulnerable pupil whilst she was away from the school, but if Dr Sharkey was concerned for Pupil A’s welfare during the school holidays, he ought to have discussed this with relevant colleagues, rather than establishing communications with her himself.

The panel found this allegation proven.

6. By reason of his conduct at paragraphs 2, 3 and 4 above he:

- a. acted dishonestly, and/or;**
- b. failed to act with integrity.**

In his Statement of Agreed Facts, Dr Sharkey admitted that, at the time he provided information to Bryanston School and Lymm High School about his previous employment, he was aware that the information provided was inaccurate and/or incomplete.

The notes of an appeal hearing at Bryanston School record that Dr Sharkey had said that he had neglected to mention the details of his previous employment as he had filled in the application form in a hurry; that most application forms ask for relevant history, and he had not thought his employment for an energy company and for a politician was relevant. He stated that he had been trying to prioritise his best achievements and ought to have read the information more clearly.

The panel noted that the application form explicitly required that a full employment history be provided and explained the rationale for this requirement was that the post would have substantial access to children. The declaration signed by Dr Sharkey stated that he certified that the entries on the form were complete and correct to the best of his knowledge. The panel considered that Dr Sharkey would have known at the time that he was required to provide his full employment history and that he chose not to do so. This behaviour was consistent with other behaviour demonstrated by Dr Sharkey which lacked candour. The panel considered that the ordinary decent person would consider Dr

Sharkey's conduct in omitting required information from his application form to be dishonest.

The panel found that Dr Sharkey had acted dishonestly with regard to his conduct at allegation 2.

Similarly, the panel considered that Dr Sharkey had failed to act with integrity with regard to his conduct at allegation 2. The ethical standards of the teaching profession require teachers to be wholly transparent as to their employment history when applying for a position, in order that their suitability to work with children can be verified.

The panel then considered Dr Sharkey's conduct in relation to allegation 3.

Person C stated that he had attended a further meeting with Dr Sharkey on 13 February 2016 in which Dr Sharkey stated he had been [REDACTED] he had made up a lie about being in the SAS, and had maintained that lie since he was in university. In the notes of his appeal hearing, Dr Sharkey stated he had panicked when asked by a colleague about his gait when running, could not think quickly enough as to what he should say so used his default lie and that this lie had subsequently "got out".

The panel had seen Dr Sharkey's letter appealing the decision to terminate his employment at Bryanston School. This stated that Dr Sharkey had repeated to a colleague at Bryanston School a lie he had told previously to a running partner prior to joining Bryanston School. He stated that he had previously told this lie to keep his past a secret, and out of panic since being asked questions raised extremely emotional issues for him. He stated that he feared the colleague at Bryanston School might one day meet some of his friends from Southampton and a discrepancy would be noted. He stated that he had not been motivated by any desire to show-off or impress pupils, but that he had been motivated by shame, fear and mostly by habit.

The panel considered that Dr Sharkey had been aware when he represented that he had served in the SAS, that it was untrue, and that he was telling a lie. An ordinary decent person would consider this to be dishonest. The panel found Dr Sharkey's conduct at allegation 3 to be dishonest.

The panel also considered Dr Sharkey's conduct at allegation 3 to lack integrity. Relationships in the teaching profession are built upon mutual trust and this is undermined if founded on the basis of lies and deceit.

The panel turned to consider Dr Sharkey's conduct in relation to allegation 4.

Person E stated that when he asked Dr Sharkey about having been dismissed from Bryanston School, Dr Sharkey stated that it related to not having placed all of his jobs on his application form, and that he had made a silly joke about working in the SAS and a fuss had been made about it. He stated that Dr Sharkey had not told him that there were any issues regarding a pupil being alone with him in his accommodation. Person E stated

that Dr Sharkey had said the same when he spoke with him the following day and continued to omit this reason during the formal investigation. Whilst there was no allegation that Dr Sharkey had been dishonest during the investigation, as Dr Sharkey continued to conceal a reason for his dismissal it indicated to the panel that he had been consciously seeking to hide this information. This suggested that this omission from his application form had been deliberate.

The panel had seen the letter dated 13 February 2016 from Bryanston School confirming that his employment was to be terminated with immediate effect. This letter stated that Dr Sharkey's repeated dishonesty had undermined the school's ability to trust what he said, which was particularly concerning to the school given that Dr Sharkey's role involved regular contact with pupils. This letter ought to have alerted Dr Sharkey to the requirement to be open and honest in his communications with future employers.

The panel considered that Dr Sharkey had been seeking to conceal his employment and dismissal from Bryanston School, hence omitting this information from his application form and misrepresenting the dates at which he had been employed by Southampton University. The ordinary decent person would consider this to be dishonest.

Similarly, the panel considered that Dr Sharkey had failed to act with integrity with regard to his conduct at paragraph 4. The ethical standards of the teaching profession require teachers to be wholly transparent as to their employment history when applying for a position, in order that their suitability to work with children can be verified.

The panel found this allegation proven.

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

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

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

The panel was satisfied that the conduct of Dr Sharkey in relation to the facts found involved breaches of the Teachers' Standards. The panel considered that by reference to the Preamble, Dr Sharkey failed to act with honesty and integrity. By reference to Part 2, Dr Sharkey was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Dr Sharkey in relation to the facts found proved, undermined the Safer Recruitment principles of Keeping Children Safe In Education ("KCSIE") to ensure that suitable people are employed to work with children.

The panel was satisfied that the conduct of Dr Sharkey in relation to allegations 2, 3, 4 and 6 fell significantly short of the standard of behaviour expected of a teacher. The panel did not consider that Dr Sharkey's conduct in relation 1 and 5 fell significantly short of the standard of behaviour expected of a teacher. There was no evidence of any malicious or sinister intent on the part of Dr Sharkey in allowing a pupil into his residence or in his communications with Pupil A.

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

The panel found that the offence of fraud or serious dishonesty was relevant, insofar as Dr Sharkey's acts of dishonesty were serious given that such behaviours were exhibited over a period of over 5 years.

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 Dr Sharkey was guilty of unacceptable professional conduct in respect of his conduct as found proven at allegations 2, 3, 4 and 6.

The panel went on to consider whether Dr Sharkey was guilty of conduct that may bring the profession into disrepute. The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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.

In considering the issue of disrepute, the panel also considered whether Dr Sharkey's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As referred to above, the panel found that the offence of fraud or serious dishonesty was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel considered that Dr Sharkey's dishonest conduct could potentially damage the public's perception of a teacher. The panel did not consider that Dr Sharkey's conduct at allegation 1 and 5 was serious enough to potentially damage the public's perception of a teacher.

The panel therefore found that Dr Sharkey's actions as found proven at allegations 2,3,4 and 6 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour, any mitigation offered by Dr Sharkey and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession to be relevant.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that dishonesty on an application form undermined the ability of the schools to check references and Dr Sharkey's suitability to work with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Sharkey were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Dr Sharkey was outside that which could reasonably be tolerated. Lying about life experiences undermines the mutual trust between colleagues and that which pupils place in their teacher.

The panel decided that there was a public interest consideration in retaining the teacher in the profession since the evidence suggested that he had ability as an educator and he is able to make a valuable contribution to the profession. Nevertheless, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Dr Sharkey in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and undermined the trust that could be placed in him.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions ... especially where these behaviours have been repeated or had serious consequences...

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Dr Sharkey's actions were deliberate.

There was no evidence to suggest that Dr Sharkey was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Dr Sharkey's actions to be calculated and motivated, particularly in seeking to conceal his employment and subsequent dismissal from Bryanston School. Dr Sharkey provided an explanation of his actions found proven in allegation 3, but offered no supporting evidence of any impact on his behaviour. There was evidence that there were concerns regarding [REDACTED]. However, there was no indication that this had any impact on his behaviour found proven in allegations 2,3,4, or 6, particularly since some of that behaviour predated the [REDACTED], and some was a considerable time afterwards.

Dr Sharkey did have a previously good history, although there is no evidence of having demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

Dr Sharkey has not produced any character statements attesting to his ability as a teacher for the purpose of this hearing. However, the House Master of Bryanston School stated that Dr Sharkey was a very charismatic individual and was incredibly bright as an academic. He confirmed that there were no other issues with Dr Sharkey's performance of his usual boarding house duties. Person C stated in his witness statement that Dr Sharkey's intelligence was obvious, and that there was a lot of goodwill towards him. The notes of Dr Sharkey's appeal hearing at Bryanston School confirmed that both line managers had said that he was doing very well.

A reference obtained by Bryanston School stated that Dr Sharkey would make an outstanding teacher and they believed the school would be glad to have him. Another stated "I'm very enthusiastic about Will. In fact, I honestly can't imagine anyone being better suited for such a post. He's not only extremely bright, he also has a uniquely engaging and inspiring personality. I wish that my kids were being taught by someone like him!" Another stated that Dr Sharkey was recommended with all possible enthusiasm. A further reference referred to Dr Sharkey's own enthusiasm for the subject which the referee stated left no room for doubt that Dr Sharkey would make a fantastic teacher and that he had the potential to be a truly outstanding teacher of philosophy.

References were provided at the time of Dr Sharkey's employment at Lymm High School. One confirmed that a key strength was his subject knowledge and another described his passion for stretching students in his lessons and described him as a considerate colleague, who with the right experience/support would make an effective head of faculty or head of department.

The panel was very concerned that Dr Sharkey had not exhibited any remorse or insight. He has admitted the allegations saving the need for a hearing to take place, but has referred only to his wish for these proceedings to be concluded, since he is shortly moving overseas. He has referred to the case causing him [REDACTED]. However, such statements suggest concern at the personal consequences for himself, rather than demonstrating an understanding of the impact his conduct had on the schools' ability to carry out checks to safeguard pupils in their care, and also the disruption caused by his actions. It was noted that Dr Sharkey appealed the decision to terminate his employment at Bryanston stated the decision was disproportionate to his actions and failed to address at all the impact that the omissions from his application form had on safer recruitment.

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. Notwithstanding the severity of the consequences for Dr Sharkey of prohibition, recommending that the publication of adverse findings alone would be sufficient would unacceptably compromise the public interest considerations present in this case.

The panel decided that the public interest considerations outweighed the interests of Dr Sharkey. The panel was of the view that prohibition was both proportionate and appropriate. His dishonesty fundamentally undermines the trust that could be placed in him. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel found that Dr Sharkey was responsible for acts of dishonesty over an extended period of time and the dishonesty was therefore serious.

The panel had regard to the need for proportionality and decided that the findings indicated a situation in which a review period would be appropriate. The panel considered that there was a real risk of repetition given that Dr Sharkey had been dishonest about various matters over a period of time. He had not demonstrated any insight or remorse into his actions. The panel was of the view that a longer period would be appropriate before a review could be considered appropriate since it was likely to take some time to develop the insight that would reduce the risk of repetition. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period after five 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 in relation to allegations 2, 3, 4, and 6.

The panel has made a recommendation to the Secretary of State that Dr William Sharkey should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Dr Sharkey is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Dr Sharkey in relation to the facts found proved, undermined the Safer Recruitment principles of Keeping Children Safe In Education ("KCSIE") to ensure that suitable people are employed to work with children.

The panel finds that the conduct of Dr Sharkey fell significantly short of the standards expected of the profession.

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that dishonesty on an application form undermined the ability of the schools to check references and Dr Sharkey's suitability to work with children.". 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 was very concerned that Dr Sharkey had not exhibited any remorse or insight. He has admitted the allegations saving the need for a hearing to take place, but has referred only to his wish for these proceedings to be

concluded, since he is shortly moving overseas. He has referred to the case causing him [REDACTED]. However, such statements suggest concern at the personal consequences for himself, rather than demonstrating an understanding of the impact his conduct had on the schools' ability to carry out checks to safeguard pupils in their care, and also the disruption caused by his actions. It was noted that Dr Sharkey appealed the decision to terminate his employment at Bryanston stated the decision was disproportionate to his actions and failed to address at all the impact that the omissions from his application form had on safer recruitment.". In my judgement, the lack of insight and/or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Sharkey were not treated with the utmost seriousness when regulating the conduct of the profession.". 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 Dr Sharkey himself and the panel comment "Dr Sharkey has not produced any character statements attesting to his ability as a teacher for the purpose of this hearing. However, the House Master of Bryanston School stated that Dr Sharkey was a very charismatic individual and was incredibly bright as an academic. He confirmed that there were no other issues with Dr Sharkey's performance of his usual boarding house duties. Person C stated in his witness statement that Dr Sharkey's intelligence was obvious, and that there was a lot of goodwill towards him. The notes of Dr Sharkey's appeal hearing at Bryanston School confirmed that both line managers had said that he was doing very well.". The panel also said, "Dr Sharkey did have a previously good history, although there is no evidence of having demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.".

A prohibition order would prevent Dr Sharkey 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 following comment, “The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Dr Sharkey was outside that which could reasonably be tolerated. Lying about life experiences undermines the mutual trust between colleagues and that which pupils place in their teacher.”.

I have also placed considerable weight on the finding that “The panel decided that there was a public interest consideration in retaining the teacher in the profession since the evidence suggested that he had ability as an educator and he is able to make a valuable contribution to the profession. Nevertheless, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Dr Sharkey in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and undermined the trust that could be placed in him.”.

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Sharkey 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 and/or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.

I have considered the panel’s comments “The panel had regard to the need for proportionality and decided that the findings indicated a situation in which a review period would be appropriate. The panel considered that there was a real risk of repetition given that Dr Sharkey had been dishonest about various matters over a period of time. He had not demonstrated any insight or remorse into his actions. The panel was of the view that a longer period would be appropriate before a review could be considered appropriate since it was likely to take some time to develop the insight that would reduce the risk of repetition. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period after five years.”.

In this case, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the

dishonesty found, particularly as Dr Sharkey's acts of dishonesty were serious given that such behaviours were exhibited over a period of over 5 years and the lack of either insight or remorse.

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

This means that Dr William Sharkey 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 2 June 2028, 5 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, Dr Sharkey remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 25 May 2023

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