



Teaching
Regulation
Agency

Mr Adam Price: Professional conduct panel outcome

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

March 2023

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

Teacher: Mr Adam Price

TRA reference: 19158

Date of determination: 8 March 2023

Former employer: Northern House School, Wolverhampton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 5 to 7 March 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Adam Price.

The panel members were Mr Duncan Tilley (lay panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Mr Ian McKim (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Miss Jessica Hocking of Counsel, instructed by Kingsley Napley LLP solicitors.

Mr Price was present and was represented by Mr Andrew Faux of Counsel, instructed by Mr Faisal Sameja, Senior Solicitor of the Association of School and College Leaders.

The hearing was recorded and took place in public, save that the application for anonymity was considered in private.

Allegations

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

It was alleged that Mr Adam Price was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Executive Headteacher at Northern House School ('the School'):

1. On 27 January 2020, he
 - a) participated in sexual activities, at school, during the school day with another member of staff, namely Person B;
 - b) was at times unclothed or partially unclothed at school, during the school day:
2. By engaging in the activities described in paragraphs 1(a) and/or (b) above he:
 - a) breached Northern House School's Code of Conduct by:
 - i. failing to place the safety and welfare of children above all considerations; and/or
 - ii. failing to refrain from any action that would bring the School into disrepute, and/or
 - b) breached the underlying principles established by Keeping Children Safe in Education 2019.
3. He breached Northern House School's 'Relationships at Work' Policy by failing to declare a personal relationship with another member of staff, namely his relationship with Person B.

Mr Price admitted the alleged facts and also admitted that they amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

Application to admit additional documents

Mr Faux made an application to admit additional documents comprising a statement of agreed facts, two testimonials, an Ofsted inspection report and two media articles relating to the work of the Pupil Referral Unit (PRU) at the School.

Miss Hocking did not object to the late admission of these documents and the panel agreed to admit them.

Application for anonymity

Mr Faux made an application that Mr Price should be anonymised during the hearing, and that the panel should recommend to the Secretary of State that he should not be identifiable in any subsequent publication of the decision. After hearing submissions from Mr Faux and Miss Hocking in private, receiving legal advice and retiring to consider the submissions, the panel announced in public that the application was refused and that the reasons for the panel's decision would be confirmed in writing.

[REDACTED]

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 4 to 5

Section 2: Notice of proceedings – pages 10 to 13

Section 3: Teaching Regulation Agency documents – pages 21 to 194

Section 5: Teacher documents – pages 275 to 373

In addition, the panel agreed to accept the following documents that were added to section 5 of the bundle as pages:

- Statement of agreed facts and timeline – pages 374 to 379
- Testimonial of Individual C – pages 380 to 382
- Testimonial of Individual D – pages 383 to 385
- Medial article from City of Wolverhampton Council – ‘Good rating for PRU’ – pages 386 to 387
- Ofsted inspection report dated 9 March 2016 – pages 388 to 395
- Media article re ‘Magic Breakfast’ – pages 396 to 400

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

The panel read the additional documents after they were submitted, but before making any determination.

Witnesses

The panel heard oral evidence from Mr Adam Price.

Decision and reasons

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

Mr Adam Price was the Executive Headteacher at Northern House School Academy Trust ('the School') from 24 April 2017 until 14 February 2020.

Mr Price was referred to the TRA by the [REDACTED] on 20 February 2020. It was reported that two anonymous letters had been received by the School which had questioned the behaviour of Mr Price and another member of staff, Person B, including the nature of their relationship. One of those letters questioned what they had been doing during the day in Mr Price's office when pupils and other staff were on site. A review of CCTV footage for 27 January 2020 was undertaken which revealed that Mr Price and Person B had been engaging in sexual activities in Mr Price's office that day.

On 14 February 2020, when Mr Price was issued with a letter of suspension, he immediately resigned.

Findings of fact

The findings of fact are as follows:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Executive Headteacher at Northern House School ('the School'):

1. On 27 January 2020, you

- a) participated in sexual activities, at school, during the school day with another member of staff, namely Person B;**
- b) were at times unclothed or partially unclothed at school, during the school day:**

Mr Price admitted the facts alleged in allegation 1.a and 1.b. The panel was also provided with a statement of agreed facts annexed to which was a summary timeline of the activities recorded on CCTV, which Mr Price confirmed was accurate and complete.

Mr Price admitted that on 27 January 2020 he and Person B were together in his office for much of the working day; approximately 3 hours 50 minutes in total. During this time,

Mr Price admitted that he and Person B engaged in sexual activities and there were periods of time when Mr Price and Person B were unclothed.

The panel found allegation 1.a and 1.b proved.

2. By engaging in the activities described in paragraphs 1(a) and/or (b) above you:

a) breached Northern House School's Code of Conduct by:

i. failing to place the safety and welfare of children above all considerations; and/or

ii. failing to refrain from any action that would bring the School into disrepute,

Mr Price admitted the facts alleged in 2.a. i and 2.a.ii.

The panel was provided with a copy of the Code of Conduct for School Staff which had been signed by Mr Price on 14 September 2016. This stated:

'Everyone is expected to set and maintain the highest standards for their own performance, to work as part of a team and to be an excellent role model for our children.

All School staff must:

- place the safety and welfare of children above all other considerations...
- refrain from taking any action that would bring the School into disrepute.'

The panel heard that on the day in question there had been three assaults on staff and four separate fights between pupils. The referral document also stated that three members of staff who worked in the School were off that day and that, because of this, Person B had requested additional cover and cancelled one employee's scheduled off-site training.

The panel found allegation 2a.i and 2.a.ii proved.

b) breached the underlying principles established by Keeping Children Safe in Education 2019.

Mr Price admitted allegation 2.b.

The panel was provided with a copy of 'Keeping Children Safe in Education (2019)', the statutory guidance for schools and colleges. This emphasised that all school staff have a responsibility to provide a safe environment in which children can learn.

Paragraph 12 of the guidance states:

'The Teachers Standards 2012 state that teachers (which includes headteachers) should safeguard childrens' wellbeing and maintain public trust in the teaching profession as part of their professional duties'.

The panel found allegation 2.b proved.

3. You breached Northern House School's 'Relationships at Work' Policy by failing to declare a personal relationship with another member of staff, namely your relationship with Person B

Mr Price admitted allegation 3.

The panel was provided with a copy of the School's 'Relationships at Work' policy. Paragraph 9.5 stated:

'If you become involved in a personal relationship with a fellow employee, it is the responsibility of you and the fellow employee to deal with any potential conflicts of interest. Ideally, such relationships should be reported, in confidence to the Head Teacher, particularly where the relationship is between a manager and his/her subordinate'.

The parties recognised that Mr Price was the Executive Headteacher, and it was not, therefore, clear from the policy what steps should be taken when Mr Price was himself involved in such a relationship. However, Mr Price admitted that it would have been consistent with the spirit of the policy to have declared to the Trust management that he was in a personal relationship with Person B prior to the events of 27 January 2020 coming to light. He accepted that he had failed to do so.

Mr Price also admitted that on 19 October 2019 he had emailed Person B an advertisement for [REDACTED] position. In his oral evidence he said that he had circulated the advertisement to all Trust staff. In the statement of agreed facts, he accepted that, on 19 November 2019 he had emailed his personal application form for Headteacher to Person B to assist in her application for [REDACTED].

The panel found allegation 3 proved.

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

Having found allegations 1.a, 1.b, 2.a.i and 2.a.ii, 2.b and 3 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.

Mr Price admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. However, Mr Faux invited the panel

to conclude the case with a finding of unacceptable professional conduct alone. Mr Faux referred to Regulation 7(5) of the Teachers' Disciplinary (England) Regulations 2012 which states:

'Where a professional conduct panel finds the teacher –

(a) to have been guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute; or

(b) to have been convicted (at any time) of a relevant offence,

the panel must make a recommendation to the Secretary of State as to whether a prohibition order should be imposed'

Mr Faux submitted that the word 'or' in paragraph (a) of Regulation 7(5) had to be given its literal meaning and could not be construed as meaning 'and/or'. Mr Faux submitted that this interpretation was consistent with the judgment in *Zebaida v Secretary of State for Education* [2016] EWHC 1181. In that case, the High Court rejected the TRA's assertion that a wider interpretation should be given to Regulation 2 of the 2012 Regulations. The effect of this interpretation would be that it is only possible for a panel to make a formal finding as to one of these categories and not both.

Ms Hocking disagreed with Mr Faux's interpretation and submitted that it was open to the TRA to allege both unacceptable professional conduct and conduct that may bring the profession into disrepute in the same proceedings. Further, it was open to the panel to make both findings where appropriate. The reason for the use of 'or' in this regulation was that a panel only needs to be satisfied as to one of these categories in order to proceed to consider whether to make a recommendation as to prohibition. It does not preclude a panel from making findings as to both. This was a perfectly natural reading of the regulations, and the construction for which Mr Faux contended was not the only sensible interpretation of the regulations.

The parties agreed that, although cases have been considered by the High Court on appeal where findings of both unacceptable professional conduct and conduct that may bring the profession into disrepute have been made against the teacher concerned, none of those cases has involved any judicial determination of this particular issue.

After receiving legal advice and considering the submissions made, the panel concluded that it could not agree with the interpretation suggested by Mr Faux. In coming to this view, the panel noted that Regulation 7(5) was focussed on defining when a Professional Conduct Panel should make a recommendation to the Secretary of State as to whether or not a prohibition order should be imposed. This was whenever there was a finding of unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction of a relevant offence. The use of the word 'or' was appropriate in that context and should not be construed as a restriction on the ability of the TRA to allege

more than one of the three categories where this was appropriate, or to seek to persuade a panel to make findings on more than one of these categories.

In considering whether the conduct found proved in relation to Mr Price amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, the panel had regard to the document *Teacher Misconduct: The Prohibition of Teachers*, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Price, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Price 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Price in each of the proven allegations amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Price's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr Price's status as a teacher, potentially damaging the public perception.

Accordingly, the panel concluded that the conduct found proved amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. 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 a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and the public interest of retaining Mr Price in the profession.

In the light of the panel's findings against Mr Price, there was a public interest consideration in respect of the protection of pupils, given that in acting as he did on the day concerned, he failed to place the safety and welfare of children above all considerations. However, based on all of the evidence presented, the panel concluded that the risk to pupils arising from his conduct was not significant.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Price was not treated with the utmost seriousness when regulating the conduct of the profession.

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

Mr Price had an impressive track record in a challenging education sector. This had been recognised more than once by Ofsted, both when he was a classroom teacher and as an Executive Headteacher. The panel was provided with evidence that, since resigning as Executive Headteacher, he has continued his work supporting alternative provision for children with particular challenges. The panel heard that he has been instrumental in developing this provision within his community with colleagues who are cognisant of the allegations against him. The panel concluded that there was a strong public interest consideration in retaining Mr Price in the profession, since no doubt had been cast upon his abilities as an educator and there was significant evidence to show that he had made, and was continuing to make, a valuable contribution to education.

In carrying out the necessary balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Price. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- sexual misconduct (i.e. involving actions of a sexual nature).

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider mitigating factors that were present in the case.

Mr Price's actions were deliberate and there was no evidence to suggest that he was acting under duress. However, the panel was informed that Mr Price had not been subject to any previous disciplinary proceedings and noted positive character references provided by people directly impacted by his work who had been made fully aware of the details of the alleged misconduct. Based on all the evidence presented, the conduct on the day in question appeared to the panel to be out of character.

The panel noted Mr Price's insight into his misconduct and the consequences of it. He expressed remorse that appeared to the panel to be genuine. The devastating impact that his conduct had had on him and his family led the panel to conclude that the risk of repetition was low.

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

The panel considered that the publication of the adverse findings it had made, and the obligations that Mr Price would consequently be under to disclose this outcome, was likely to have a detrimental impact on his career. It was, therefore, sufficient to send an appropriate message to Mr Price as to the unacceptable nature of his conduct in this case. The publication would also meet the public interest requirement of declaring and upholding proper standards of the profession.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, a recommendation that no prohibition order should be made would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour did not create a significant risk to pupils and having considered the mitigating factors that were present, the panel determined that it would recommend that no prohibition order should be made in this case.

Decision and reasons on behalf of the Secretary of State

have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

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 recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Price 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Price 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 Mr Price, 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, "In the light of the panel's findings against Mr Price, there was a public interest consideration in respect of the protection of pupils, given that in acting as he did on the day concerned, he failed to place the safety and welfare of children above all considerations. However, based on all of the evidence presented, the panel concluded that the risk to pupils arising from his conduct was not significant."

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel noted Mr Price's insight into his misconduct and the consequences of it. He expressed remorse that appeared to the panel to be genuine." The panel has also commented, "The devastating impact that his conduct had had on him and his family led the panel to conclude that the risk of repetition was low." 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr Price's status as a teacher, potentially damaging the public perception." The panel also noted, "The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Price was not treated with the utmost seriousness when regulating the conduct 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 Price himself. The panel comment "Mr Price had an impressive track record in a challenging education sector. This had been recognised more than once by Ofsted, both when he was a classroom teacher and as an Executive Headteacher. The panel was provided with evidence that, since resigning as Executive Headteacher, he has continued his work supporting alternative provision for children with particular challenges. The panel heard that he has been instrumental in developing this provision within his community with colleagues who are cognisant of the allegations against him. The panel concluded that there was a strong public interest consideration in retaining Mr Price in the profession, since no doubt had been cast upon his abilities as an educator and there was significant evidence to show

that he had made, and was continuing to make, a valuable contribution to education.” A prohibition order would prevent Mr Price from and clearly deprive the public of his contribution to the profession for the period that it is in force.

I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



Decision maker: John Knowles

Date: 10 March 2023

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