



Teaching  
Regulation  
Agency

# **Mr Paul Richards: Professional conduct panel outcome**

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

**November 2023**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	11
Documents	11
Witnesses	12
Decision and reasons	12
Findings of fact	12
Panel's recommendation to the Secretary of State	20
Decision and reasons on behalf of the Secretary of State	25

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

<b>Teacher:</b>	Mr Paul Richards
<b>Teacher ref number:</b>	0405774
<b>Teacher date of birth:</b>	27 December 1958
<b>TRA reference:</b>	20082
<b>Date of determination:</b>	1 November 2023
<b>Former employer:</b>	Finton House School, London

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 26 June 2023 to 30 June 2023 to consider the case of Mr Paul Richards (“Mr Richards”). The hearing was adjourned on 30 June 2023 and reconvened on 30 October until 1 November 2023.

The panel members were Mr David Raff (lay panellist – in the chair), Mrs Melissa West (teacher panellist) and Mr Peter Ward (lay panellist).

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

The presenting officer for the TRA was Mr Tom Sherrington of Browne Jacobson LLP solicitors.

Mr Richards was present and was represented by Ms Maria Aisha, of Counsel.

The hearing took place in public, save for the parts heard in private and was recorded.

## Allegations

The panel considered the allegations set out in the Notice of Hearing dated 24 March 2023.

It was alleged that Mr Richards was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Design and technology Teacher at Finton House School:

1. On 10 December 2020, he engaged in inappropriate physical contact with Pupil A by;
  - a. Rubbing her thigh with his hand
2. He engaged in inappropriate and/or unprofessional behaviour towards one or more pupils in or around 2018-2020 by;
  - a. Putting his arm around Pupils;
  - b. Ruffling their hair;
  - c. Hugging Pupils
3. His conduct as may be found proven at (1) was notwithstanding that he received advice in May 2019 following concerns having been raised at to his previous alleged conduct.
4. His behaviour as may be found proven at (1) and (2.a) and (2.c) above was conduct of a sexual nature and/or was sexually motivated.

Mr Richards denied the facts of all allegations and that they amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application to adjourn and re-list as an in-person hearing

An application was made at the very outset of the hearing by the teacher's representative to hear the teacher's application to adjourn and re-list as an in-person hearing in private.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020 (the "Procedures") to exclude the public from all or part of the hearing. This follows a request by the teacher that the preliminary application to adjourn and re-list as an in-person hearing should be in private on the grounds that the application is made for reasons concerning [redacted].

The panel has determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 5.85 of the Procedures that the public should be excluded from this preliminary part of hearing in order to hear his application in private.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for the preliminary application to be heard in private, is a reasonable one given concerns about confidential matters relating to [redacted] being placed in the public domain. The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to [redacted], but considered that the [redacted] matters were so intertwined with the application, that the only practicable course would be to exclude the public from this application. The panel took account of a letter received from [redacted] dated 19 June 2023 and Mr Richards' witness statement dated 23 June 2023.

The panel decided to hear this application in private for the aforementioned reasons.

The panel considered whether this hearing should be adjourned in light of the issues concerning [redacted]. This issue was fully brought to the panel's attention during the course of hearing the application by the teacher's representative and through reviewing both the witness statement of Mr Richards dated 23 June 2023 and the letter received from [redacted] dated 19 June 2023.

The panel noted that the letter from [redacted] stated that it would be "extremely helpful if the hearing can be done face to face instead of virtually to help [sic] him with his [redacted]." The panel noted the lack of evidence to fully explain why an adjournment and re-listing to an in-person hearing would help Mr Richards.

The panel heard representations from the presenting officer who opposed the application on behalf of the TRA. The presenting officer explained that this hearing had originally been listed as an in-person hearing and was subsequently changed to a virtual hearing with Mr Richards' agreement.

The presenting officer noted that one of the witnesses is a child witness who was deemed to be a vulnerable witness (Pupil A) by the panel in a previous case management hearing. The presenting officer explained that the child/vulnerable witness had been waiting to give evidence for a long period, noting that the alleged incidents took place over two years ago. He noted that a further delay could have a greater negative impact on a child/vulnerable witness. The panel had sight of a statement from Pupil A in response to Mr Richards' application to adjourn the hearing and re-list as an in-person hearing. Pupil A said that she wanted the hearing "to be done before summer" and "recover". The panel noted the considerations from GMC v Adeogba & Visvardis [2016]

EWCA Civ 162 where in considering the question of fairness, the Court of Appeal stated that “the fair, economical, expeditious and efficient disposal of allegations against practitioners is of very real importance, set against the context of the regulator’s objectives.”

The panel noted that the right to a fair trial under Article 6 of the European Convention on Human Rights includes the right to participate effectively. However, the right is not absolute and can be waived by the conduct of the teacher, if that waiver is unequivocal, meaning ‘clear and unqualified’.

The panel considered the wider context that this case had previously been listed for an in-person hearing and was subsequently listed for this virtual hearing.

The panel balanced the public interest against the interest of the teacher and decided to continue with the virtual hearing. The panel had regard to the extent of the disadvantage to the teacher and whether he would be able to effectively give his account of events, having regard to the nature of the evidence against him. The panel noted that Mr Richards is willing to participate in the hearing this week, but noted that when he comes to give evidence, Mr Richards may be better placed to give evidence in person due to the current state of [redacted]. The panel also noted the teacher’s representative’s comments around the previous school investigation where meetings were conducted remotely and Mr Richards did not feel that he presented himself in the best way possible.

The panel made enquiries during the hearing as to whether the TRA would object to Mr Richards giving his evidence in person. The TRA did not oppose this suggestion.

The panel had regard to the extent of any disadvantage to Mr Richards. The panel noted that the teacher’s representative stated that if the hearing was adjourned and re-listed as an in-person hearing, Mr Richards would have the benefit of having the teacher’s representative present at his side to support him. The panel noted that Mr Richards and his representative could still be located within the same room during the virtual hearing.

The panel also noted that there is vulnerable/child witness (Pupil A) present at the hearing, who is prepared to give evidence, and that it would be inconvenient and distressing for her to have to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher is of great importance.

The panel noted the lack of medical evidence to explain why it would be “extremely helpful” to adjourn the hearing and re-list in-person and also took account of the inconvenience an adjournment would cause to the witnesses, particularly in respect of Pupil A.

On balance, the panel decided that these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing

today. Furthermore, the panel was particularly mindful of the potentially detrimental effects on Pupil A's wellbeing of further delaying the matter and her giving evidence. Accordingly, the panel decided to proceed with the virtual hearing. However, the panel noted the concerns arising in relation to [redacted] and his strong preference to give his evidence in-person, and therefore, decided that when the time comes for Mr Richards to give his oral evidence, the panel will, if Mr Richards requests, enable him to give his evidence in-person.

In the event, Mr Richards did not take up the opportunity to give his evidence in person and testified virtually.

#### Applications to exclude the public from parts of the hearing

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This follows two requests as set out below:

1. The presenting officer made an application for Pupil A's evidence to be heard in private given that (a) she may be giving evidence in respect of [redacted] and (b) that she is a child and vulnerable witness and expressed a strong wish not to be publicly identified in these proceedings;
2. The teacher's representative made an application for evidence relating to [redacted] to be heard in private.

Neither party objected to the respective applications.

The panel determined to exercise its discretion under paragraph 11(3)(a) and section 5.85(iii) of the Procedures in respect of the presenting officer's application for Pupil A's evidence to be heard in private. The panel determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and section 5.85(ii) of the Procedures in respect of the teacher representative's application for evidence relating to [redacted] to be heard in private.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the two aforementioned requests for parts of the hearing to be heard in private, were reasonable ones given the serious concerns about the protection of the interests of Pupil A, who is a child and vulnerable witness and confidential matters relating to [redacted] being placed in the public domain. The panel did not consider that there were any further steps short of excluding the public from the relevant parts of the hearing that would serve the purpose of protecting of the interests of Pupil A and confidentiality relating to [redacted].

The panel took into account the witness statement from Pupil A dated 14 June 2022 and a recent written statement from Pupil A (which was made in response to the teacher's application to adjourn the hearing). The panel noted Pupil A's emotions of feeling "worried" and "scared" when considering the presenting officer's application.

The panel also considered Mr Richards' witness statement dated 13 June 2023 and the appendices, which included [redacted] and a letter from [redacted] when considering the teacher's representative's application.

The panel has had regard to whether the presenting officer's and teacher's representative's requests ran contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continues, any decision of the Secretary of State will also be made public. The panel considered that in the circumstances of this case, where only certain parts of the hearing will be heard in private (as detailed above), the public interest will be satisfied by these public announcements. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained. The panel granted the two applications for the aforementioned parts of the hearing to be heard in private.

#### Applications to admit late evidence

The presenting officer applied to admit the following documents:

- Photographs of the design and technology classroom;
- Handwritten notes of Witness B dated 14 December 2020.

The teacher's representative applied to admit the following documents:

- Appraisal document for Mr Richards dated 19 May 2016;
- Coloured copy of Mr Richards' witness statement dated 13 June 2023;
- Photograph of the science classroom.

All of the aforementioned documents were not served in accordance with the requirements of paragraphs 5.36 and 5.37 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 5.34 of the Procedures at the discretion of the panel.

The panel took into account the representations from the presenting officer and teacher's representative in relation to their applications. Neither party raised objections to the respective applications to admit the documents.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.



The panel was satisfied that all of the documents were relevant to the case and fair to admit for the following reasons:

When considering the presenting officer's applications, the panel noted that the coloured photographs of the design and technology classroom were relevant to the case, as it is alleged that the incident on 10 December 2020 took place in this room. The panel noted that it may be helpful to refer witnesses to these photographs during the course of the hearing. The panel considered that the handwritten notes of Witness B were relevant as the notes set out how Witness B dealt with the information after being informed about the incident. The panel noted that Witness B was being called to give evidence at the hearing and it was fair to admit them on the basis that she could address questions during the course of her evidence in respect of the handwritten notes.

When considering the teacher's representative's applications, the panel considered that Mr Richards' appraisal document may be of assistance when considering Mr Richards' character at the relevant stage of this case. The panel considered that the coloured copy of Mr Richards' statement was relevant, as the panel had a copy of the same statement in the hearing bundle in black and white. The images in colour were clearer for the panel and witnesses to view and the panel determined that it was relevant and fair to admit the document for this reason.

During Pupil A's evidence, a matter arose in respect of the type of stools that pupils would sit on in the design and technology classroom. Pupil A described the stools in the design and technology classroom as having holes in the seat. This was a different description to the images put to Pupil A during cross examination, where the stools had solid seats, with no holes. The teacher's representative applied to admit a photograph of a science classroom which showed the stools with holes in the seats. The panel noted that the application was not opposed by the presenting officer and given the matter came to light during the course of Pupil A's evidence, the panel considered the image may possibly be relevant for Pupil A to consider when answering questions in respect of this particular topic and in the broader context of allegation 1.

By reason of the above, the panel has decided to admit each of the documents and these should be paginated as follows:

- Design and technology room photographs 372-373
- Teacher appraisal document – pages 374-375
- Colour copy of Mr Richards' witness statement – pages 376 – 453
- Handwritten notes of Witness B – pages 454 – 455
- Photograph of the science classroom – page 456.

Application to admit hearsay evidence in the hearing bundle

The presenting officer applied to admit the witness statement and exhibits of Individual E (pages 67-70 of the hearing bundle) as hearsay evidence. The presenting officer explained that Individual E was no longer being called to give oral evidence as originally proposed due to the TRA being unable to contact her ahead of the hearing to arrange attendance as a witness. The presenting officer stated that the TRA attempted to make contact with Individual E via email, phone and letter prior to the hearing but did not receive a response.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The teacher's representative objected to this application. One of the main reasons why the teacher's representative objected to the application was on grounds of fairness. The teacher's representative noted that Individual E was the only other member of staff who was present in the classroom when the alleged incident took place on 10 December 2020 and that there was no indication prior to today that Individual E would not be available to give evidence.

The teacher's representative referred the panel to the factors set out in the case of *Thornycroft v NMC* [2014] EWHC 1565. In this case, the court gave a list of factors to consider when deciding on the admissibility of statements where a witness is absent.

The panel was satisfied that Individual E's witness statement was relevant to the case because she was the only other member of staff present in the classroom when the alleged incident took place on 10 December 2020. Individual E stated that she did not witness anything concerning on the day of the incident as she was busy helping other pupils in the classroom. Individual E also described Mr Richards' general behaviour at the School which the panel considered to be relevant to the case.

The central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the presenting officer without the opportunity for the witness to be cross-examined by the teacher.

The panel also took account of the efforts made to contact Individual E to try to secure her attendance at the hearing.

The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if the allegations are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence is of relevance to the allegations in this case.

In the circumstances, given that reasonable efforts have been made to secure the attendance of the witness, the panel noted that there will be sufficient safeguards to protect the teacher against any unfairness caused by being unable to cross-examine this

witness. The panel will be provided with a hearsay warning in due course, and the panel will determine what weight, if any it should attach to the evidence.

With regard to the overall question of fairness, the panel noted that it was unfortunate that the application to admit Individual E's witness statement was made at short notice, but noted that the decision to admit Individual E's evidence was not prejudicial to Mr Richards given that the panel will have received the hearsay warning before it makes a decision on the findings of fact. The panel also noted that the witness statement was available in the hearing bundle and provided to the teacher at the earliest opportunity and Mr Richards will be given the opportunity to address questions in respect of Individual E's statement during his oral evidence.

By reason of the above, the panel has decided to admit the witness statement of Individual E. This document was already paginated in the hearing bundle between pages 67 to 70.

## Summary of evidence

### Documents

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

Section 1: Notice of Hearing and response – pages 7 to 10

Section 2: Teaching Regulation Agency witness statements – pages 12 to 70

Section 3: Anonymised Pupil List – page 72

Section 4: Teaching Regulation Agency documents – pages 74 to 259

Section 5: Teacher documents – pages 261 to 371

In addition, the panel agreed to accept the following:

Section 6: Additional documents – pages 372 – 456

- Photographs of the Design and technology classroom – pages 372 – 373
- Teacher appraisal document – pages 374 – 375
- Colour copy of Mr Richards' witness statement dated [insert date] – pages 376 – 453
- Handwritten notes of Witness B – pages 454 – 455
- Photograph of the science classroom – page 456.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## **Witnesses**

The panel heard oral evidence from the following witnesses who were called by the presenting officer:

- Pupil A – Former pupil of Finton House School
- Witness A – [redacted]
- Witness B – [redacted]

The panel heard oral evidence from the following witnesses who were called by the teacher’s representative:

- Witness C – [redacted]
- Witness D – [redacted]

The panel also heard oral evidence from the teacher, Mr Richards.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mr Richards was employed at Finton House School (“the School”) from 1996. He became a Design and technology teacher in around 2004.

On 14 December 2020, a pupil at the School (“Pupil A”) reported an incident concerning Mr Richards to Witness B. Pupil A alleged that on 10 December 2020, during a Design and technology lesson, a pen lid fell onto the floor and Mr Richards crouched down to look for it. Pupil A alleged that whilst Mr Richards was crouched down to look for the pen lid, he rubbed his hand up and down her outer thigh a few times, for no reason. The School reported the allegation to the Local Authority Designated Officer (“LADO”) on 15 December 2020. Mr Richards was suspended pending investigation on 27 January 2021. An internal investigation took place which led to a disciplinary hearing on 10 March 2021. As part of the investigation, it was alleged that Mr Richards had put his arm around pupils, hugged pupils and ruffled the hair of pupils. An appeal hearing of the disciplinary outcome took place on 7 May 2021.

## **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 10 December 2020, you engaged in inappropriate physical contact with Pupil A by;**

**a. Rubbing her thigh with your hand;**

The panel considered all of the evidence.

Mr Richards denied this allegation.

Mr Richards said:

“I did not engage in “inappropriate physical contact” with Pupil A by “rubbing her thigh” with my hand during a lesson on 10 December 2020.

At the time when Pupil A made the accusation, I was a teacher with 25 years’ experience, all of them at Finton House School. I was fully committed to providing the best educational experience and opportunities for all the children I taught. I had a relaxed but professional teaching style, and my personal and professional conduct had been consistently high throughout my career..”

When Mr Richards was asked about the incident on 10 December 2020 during the hearing, he stated that “it was just a lesson. I don’t remember anything. It was just a lesson.”

When the presenting officer put to Mr Richards that Pupil A had absolutely nothing to gain from lying about an allegation such as this, Mr Richards stated that “..She has lied. I don’t know why she’s lied...but she did.”

The panel had sight of a number of photographs of the Design and technology classroom where the alleged incident took place and heard a great deal of evidence regarding the distance between each stool and the type of stools that were used in the classroom. The panel noted that the positioning of the stools in the photographs (i.e. distance between each stool) may have been different on the day of the incident as the stools were movable and not fixed into position. The teacher’s representative asserted that there would not have been enough room for Mr Richards to crouch down in between the stools due to the limited space between them. Witness D was referred to images of the relevant classroom and stated that there would have been a maximum gap of 20cm between the stools and so there would not have been enough space for an adult to crouch down in between the stools. However, the panel was satisfied that there would have been sufficient room for Mr Richards to have placed his hand between the stools and rubbed the thigh of Pupil A in the manner described by Pupil A.

The panel turned to the evidence of Pupil A.

Pupil A stated that before this incident took place, Mr Richards was one of her favourite teachers.

Pupil A stated “during the lesson, Mr Richards came over to help me with my card. My pen lid fell onto the floor. Mr Richards crouched down under the table to find it. He was underneath the table for a few seconds...When Mr Richards was underneath the table, I felt him rubbing his hand up and down my outer thigh...After this happened, he got up and walked off, but the pen lid stayed on the floor which I found strange. I was so shocked at what had happened , I did not know what to think and it was a strange feeling.”

Pupil A was asked how many times Mr Richards had rubbed her thigh. Pupil A said “more than twice.” Pupil A described the rubbing as “like a stroke, but a bit harder”.

During the hearing, Pupil A was asked to demonstrate with her hand in the air what she meant by more than twice. Pupil A said “.up and down, and then that is what I meant by twice originally... And then when I said more than twice, it was like that again. But I can't give the specific number of times.”

Given the passage of time and the circumstances she had outlined, the panel did not believe that Pupil A's inability to specify the precise number of strokes of her thigh in any way diminished the credibility of her evidence.

The panel noted that Pupil A could not recall which thigh Mr Richards had rubbed when cross examined by the teacher's representative. When re-examined by the presenting officer, and being asked to look at a diagram of the classroom, Pupil A stated that it was her left thigh.

The panel noted that there was some discrepancy around how a pen lid was dropped onto the floor. However, the panel concluded that how the pen lid arrived on the floor was of no relevance. Pupil A's evidence was that whilst looking for the pen lid, Mr Richards rubbed her thigh.

The panel noted that whilst Pupil A could not recall the precise detail of some of the surrounding aspects of the incident, Pupil A had been consistent in her evidence throughout the School's investigation and the TRA proceedings about the core aspect of the incident, namely that Mr Richards rubbed her thigh, more than twice.

The panel found Pupil A to be an honest and credible witness who gave factual evidence insofar as she was able to recall the incident and did not seek to embellish her evidence. The panel noted that in general memories of witnesses will fade over time and they may not be able to recall every detail. The panel further noted that at the time of the alleged incident, Pupil A was [redacted] years old and it would be unrealistic to expect her to remember every last detail of the surrounding aspects of the incident.

Witness D gave evidence during the hearing that in her opinion Pupil A was a [redacted] and that there was some [redacted]. However, the panel did not believe that this constituted credible evidence as to why Pupil A would have concocted this allegation. Indeed, Witness A stated that Pupil A was “a very honest, upstanding member of the school who was a great supporter of him.. and so were the family, to suddenly come out with this allegation seemed extraordinary. She had no reason to do that if it wasn’t true.”

In the light of all the evidence, the panel was satisfied that Mr Richards had rubbed Pupil A’s thigh with his hand. This having been proved to the panel’s satisfaction, the panel determined that in the absence of any other explanation, this was clearly inappropriate physical contact. Accordingly, on the balance of probabilities, the panel found allegation 1.a proved.

#### **4. Your behaviour as may be found proven at (1) and (2a) and (2c) above was conduct of a sexual nature and/or was sexually motivated.**

The panel solely considered this allegation in respect of the allegation it had found proved, namely allegation 1.

The panel had regard to the legal adviser’s advice.

The panel considered the definition of sexual in section 78(1)(b) of the Sexual Offences Act 2003 and the case of GMC v Haris (2020).

The panel asked itself whether on the balance of probabilities reasonable persons would think the actions found proven could be sexual.

The panel did not consider that the conduct as found proven in allegation 1 was an accident, given the description of the conduct by Pupil A. Pupil A described the rubbing of her thigh by Mr Richards as “more than twice”, “up and down” and “like a stroke, but a bit harder.” The panel determined that this incident, involving the rubbing of Pupil A’s thigh was by its very nature sexual.

The panel also noted the circumstances of the incident i.e. the rubbing took place under the table and not in direct view of others. The panel therefore determined that it was more likely than not that Mr Richards’ purpose of such action was of a sexual nature. It considered that on the balance of probabilities reasonable persons would think the action found proven in allegation 1 was conduct of a sexual nature.

The panel went on to consider whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case.

The panel noted that in the case of Basson v GMC (2018), it was stated that “the state of a person’s mind is not something that can be proved by direct observation. It can only be

proved by inference or deduction from the surrounding evidence”.

The panel noted that the proven conduct in allegation 1 was not accidental, not consensual and was without any proper justification. Therefore, the panel inferred from the surrounding evidence that Mr Richards’ proven conduct in allegation 1 was more likely than not to be sexually motivated.

Whilst the panel received character evidence (including numerous positive testimonials) in respect of Mr Richards, it did not consider it was sufficient to negate its findings as to Mr Richards’ conduct on the day in question.

On the balance of probabilities, the panel found allegation 4 (solely in respect of proven allegation 1) proved.

The panel found the following particulars of the allegations against you not proved, for these reasons:

**2. You engaged in inappropriate and/or unprofessional behaviour towards one or more pupils in or around 2018-2020 by;**

**a. Putting your arm around Pupils;**

The panel noted that Mr Richards stated that he does not deny that he may have put his arm around a pupil. He stated that it is “certainly not something that takes place regularly in my lessons but it may have occasionally occurred in an appropriate manner, and always with another member of staff present.” Mr Richards denied that his behaviour was inappropriate and/or unprofessional.

The panel noted that [redacted], Individual E, stated in her witness statement that “In the classroom if Mr Richards was helping pupils, as the chairs were high up and they would be shoulder level to him he would sometimes have his arm around the pupils or a hand on their shoulder.” The panel noted from this statement that if Mr Richards did place his arm around a pupil, it would have been in view of all other pupils and [redacted]. Individual E noted that Mr Richards’ behaviour “didn’t seem particularly unusual.”

The panel heard evidence from [redacted], Witness A, who joined the School in April 2016. He stated that there is a “friendly” and “caring” culture at the School and is all about “inclusivity”.

Witness B described the culture at the School as “warm and happy”.

When comparing the School to her previous school environment, Individual F ([redacted]) described the School as “more relaxed, fluffier in a sense and it was a shock to me.”

Mr Richards described the culture of the School as one of “inclusivity.”



The panel noted that there was no evidence to suggest that Mr Richards' conduct in respect of this allegation was inappropriate and/or unprofessional, given the environment and culture that appeared to exist at the School during this time period.

The panel also noted the lack of specific detail in the drafting of this allegation.

The panel did not find allegation 2.a proved.

#### **b. Ruffling their hair;**

Mr Richards stated during the hearing that he "may have ruffled hair." He stated that he could not say for certain that he had never ruffled a child's hair but if he did there would have been "good reason to do so". Mr Richards denied that his behaviour was inappropriate and/or unprofessional.

The panel asked Mr Richards what might be a good reason to ruffle a child's hair, to which Mr Richards responded by saying he may have done so in a "congratulatory way or a pat to say well-done, absolutely brilliant."

Individual E, [redacted], stated that "he would occasionally ruffle the children's hair." The panel noted that Individual E did not elaborate on the context or provide further detail on this particular behaviour. The panel noted that as Individual E had claimed to have witnessed Mr Richards ruffling hair, that this would have been done in view of her and/or other pupils.

The panel noted the witness evidence as referred to in the above allegation describing the warm, friendly and tactile environment of the School.

The panel noted that there was no evidence to suggest that Mr Richards' conduct in respect of this allegation was inappropriate and/or unprofessional, given the environment and culture that appeared to exist at the School during this time period.

The panel also noted the lack of specific detail in the drafting of this allegation.

The panel did not find allegation 2.b proved.

#### **c. Hugging Pupils**

The panel noted that Mr Richards stated during the hearing that "I don't accept that I hug children at all. I accept that children approach me for a hug. If a child approaches me for a hug, I touch them on the shoulders and make eye contact to break the barrier." Mr Richards denied that his behaviour was inappropriate and/or unprofessional.

Individual E, [redacted] stated that she "often witnessed Mr Richards hugging pupils in class however, I would describe them more as friendly, short half hugs that were initiated by the children."

Witness B stated that “Sometimes if I was on duty and saw the children run up to hug him, I would go over and try to scurry them off because I personally felt uncomfortable with the attention, they were giving him.” When questioned about this statement by the teacher’s representative, Witness B agreed that that the behaviour did not make her feel uncomfortable enough to report it at the time. The panel noted that the behaviour that was witnessed by Witness B was in the playground, in view of other pupils and/or staff members.

The panel noted the witness evidence as referred to in the above allegation describing the warm, friendly and tactile environment of the School.

The panel noted that there was no evidence to suggest that Mr Richards’ conduct in respect of this allegation was inappropriate and/or unprofessional, given the environment and culture that appeared to exist at the School during this time period.

The panel also noted the lack of specific detail in the drafting of this allegation.

The panel did not find allegation 2.c proved.

**3. Your conduct as may be found proven at (1) was notwithstanding that you received advice in May 2019 following concerns having been raised at to your previous alleged conduct.**

The panel had sight of a letter from Witness A to Mr Richards dated 21 May 2019. This letter set out advice to Mr Richards in respect of his previous alleged conduct regarding pupils approaching him. The advice letter also referred to the School setting out expectations for all staff. can

The panel noted that the proved conduct in allegation 1 was different to the conduct described in the May 2019 advice given to Mr Richards, and therefore the panel noted that this allegation was not factually correct nor did this allegation make sense.

The panel did not find allegation 3 proved.

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

Having found allegations 1(a) and 4 (in respect of allegation 1 proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Richards, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Richards was in breach of the following standards:

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

The panel was satisfied that the conduct of Mr Richards in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Richards was in breach of the following provision:

- Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.

The panel was satisfied that the conduct of Mr Richards, in relation to the facts found proved, involved breaches of Working Together to Safeguard Children. The panel considered that Mr Richards was in breach of the following provision:

- Everyone who works with children...has a responsibility for keeping them safe.

The panel was satisfied that the conduct of Mr Richards fell significantly short of the standard of behaviour expected of a teacher. The panel noted Mr Richards' proven inappropriate conduct in allegation 1 led to a serious finding of conduct which was of a sexual nature and sexually motivated.

The panel also considered whether Mr Richards' 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 involving sexual activity was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, in the light of all the factors set out above, the panel was satisfied that Mr Richards was guilty of unacceptable professional conduct.

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.

The panel also considered whether Mr Richards' 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 involving sexual activity was relevant.

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

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

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

The panel therefore found that, in the light of all the factors set out above, Mr Richards' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 4 (in respect of proven allegation 1 proved, the panel thus found that Mr Richards' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Richards 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 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 safeguarding and wellbeing of pupils, the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Richards, which involved a finding of conduct which was of a sexual nature and sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

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

The panel acknowledged that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator. Whilst there is evidence that Mr Richards had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Richards in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils)

- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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 to be allowed to continue to teach. However, the panel went on to consider whether there were mitigating circumstances and the mitigation offered by the teacher.

The panel found that Mr Richards' actions were deliberate. Pupil A stated that "...When Mr Richards was underneath the table, I felt him rubbing his hand up and down my outer thigh...After this happened, he got up and walked off, but the pen lid stayed on the floor which I found strange."

There was no evidence to suggest that Mr Richards was acting under extreme duress, e.g. a physical threat or significant intimidation.

Mr Richards did have a previously good history, having demonstrated high standards in his professional conduct and having contributed significantly to the education sector.

The panel saw no evidence that showed Mr Richards was previously subject to disciplinary proceedings or formal warnings.

The panel had sight of a number of Mr Richards' appraisal documents.

In 2018, Individual F stated "Paul was very supportive towards the children and this created a trusting partnership and positive values and attitudes. There was consistent feedback and Paul used lots of positive praise throughout and was extremely supportive."

The panel also reviewed a numerous character references from former parents of the School.

A former parent of the School stated that he gave her child [redacted] his time "out of school hours, creating a 'club' for him to attend, teaching him DT/art skills/sewing/cooking/play writing. This gave [redacted] innumerable benefits, boosting his sense of independence and social skills.".... "Paul is of absolute good character and has a great deal of integrity. He demonstrated a high level of dedication and professionalism to his work at Finton."... "Quite simply he is a good man with an exemplary character and a model moral compass."

Another former parent of the School stated "From my perspective as both a parent and [redacted], Mr Richards was outstanding not only for his competence and

professionalism as a teacher, but also for his 150% commitment to the school, and for the trust and respect he had earned from colleagues and pupils alike.”

A third former parent of the School said “Mr Richards was one of the most talented, lovely, kind and warm teachers I met at Finton. He was an extraordinary teacher who instilled great confidence into the kids.”

The panel also considered the other character references from former parents at the School.

The panel had sight of the thank you cards from pupils and parents to Mr Richards.

One pupil said “I’m so happy that Mr Paul gave me so much encouragement so that I was able to achieve [redacted].”

Another pupil said “I can’t actually describe what an amazing teacher you are.”

The panel had sight of character statements from former colleagues of Mr Richards.

Witness C said “I never received any negative feedback, concern or allegation about Paul Richards in the ten years I worked with him. He was an outstanding teacher.”

[redacted] said “It did not matter which year group it was DT was a highlight of the pupils week...Paul definitely had an excellent rapport with the children and he went out of his way to give them projects to do which inspired them to really like DT.”

The panel further considered the other character references from former colleagues of Mr Richards.

During the hearing, the panel also heard evidence from Witness C and Witness D about Mr Richards’ good character and his ability as a teacher.

The panel noted that based on the character references and other evidence, Mr Richards did appear to be a very good teacher who had made a significant contribution to the School community.

When considering Mr Richards’ level of insight and remorse, the panel noted that Mr Richards’ evidence focused on the impact of the proceedings on himself. The panel heard a great deal of evidence regarding [redacted].

The panel acknowledged that Mr Richards denied the allegations, but nonetheless he failed to recognise any impact on others, including Pupil A. Mr Richards demonstrated no insight or remorse. Pupil A explained in her evidence that after the incident she did not want her male family members to hug her and had experienced nightmares and flashbacks.

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

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

The panel acknowledged that one of the primary reasons for imposing a prohibition order is to safeguard pupils. The panel concluded that the seriousness of the conduct and the safeguarding of pupils outweighed the good character evidence in respect of Mr Richards. The panel noted that whilst this was a one-off and isolated incident, this did not automatically negate the possibility or risk of this type of misconduct happening again. The panel noted that whilst Mr Richards denied the allegations, he did not show any insight in respect of the impact or how this matter as a whole had affected others, in particular, Pupil A. The panel further noted that whilst Mr Richards had stated that he did not wish to return to teaching, there was no guarantee that he would not do so.

The panel was therefore of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Richards. The finding of inappropriate physical contact which was of a sexual nature and sexually motivated was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these is any sexual misconduct involving a child. The panel found that Mr Richards was responsible for inappropriate physical contact with Pupil A, of a sexual nature and which was sexually motivated. The panel noted that the conduct resulted in harm to Pupil A as she said, "After the incident I kept having bad dreams, but I could not hug my dad or grandad properly because of what happened."

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period.



## Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some 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 this case, the panel has found some of the allegations not proven, including allegations 2 and 3. I have therefore put those matters entirely from my mind.

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

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

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

The panel was satisfied that the conduct of Mr Richards, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children. In particular the panel considered that Mr Richards was in breach of the following provisions:

- Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.
- Everyone who works with children...has a responsibility for keeping them safe.

The panel finds that the conduct of Mr Richards fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of conduct which was of a sexual nature and sexually motivated involving a pupil.

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 Richards, 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 and/or safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Richards, which involved a finding of conduct which was of a sexual nature and sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel acknowledged that Mr Richards denied the allegations, but nonetheless he failed to recognise any impact on others, including Pupil A. Mr Richards demonstrated no insight or remorse. Pupil A explained in her evidence that after the incident she did not want her male family members to hug her and had experienced nightmares and flashbacks." In my judgement, the lack of insight 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 Mr Richards was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual motivated conduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 Richards himself and the panel comment “Mr Richards did have a previously good history, having demonstrated high standards in his professional conduct and having contributed significantly to the education sector.” The panel also had sight of positive appraisal documents and character references.

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

In this case, I have placed considerable weight on the panel’s comment “The panel acknowledged that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator. Whilst there is evidence that Mr Richards had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Richards in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.”

I have also placed considerable weight on the finding “The panel acknowledged that one of the primary reasons for imposing a prohibition order is to safeguard pupils. The panel concluded that the seriousness of the conduct and the safeguarding of pupils outweighed the good character evidence in respect of Mr Richards. The panel noted that whilst this was a one-off and isolated incident, this did not automatically negate the possibility or risk of this type of misconduct happening again. The panel noted that whilst Mr Richards denied the allegations, he did not show any insight in respect of the impact or how this matter as a whole had affected others, in particular, Pupil A. The panel further noted that whilst Mr Richards had stated that he did not wish to return to teaching, there was no guarantee that he would not do so.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Richards 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 that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these is any sexual misconduct involving a child. The panel found that Mr Richards was responsible for inappropriate physical contact with Pupil A, of a sexual nature and which was sexually motivated. The panel noted that the conduct resulted in harm to Pupil A as she said, "After the incident I kept having bad dreams, but I could not hug my dad or grandad properly because of what happened."

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings involving sexual motivated conduct with a pupil and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Paul Richards is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Richards shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Richards 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.



**Decision maker: Sarah Buxcey**

**Date: 13 November 2023**

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