



Teaching  
Regulation  
Agency

# **Mr John Farrell: Professional conduct panel outcome**

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

**July 2024**

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

**Teacher:** Mr John Farrell

**TRA reference:** 0021687

**Date of determination:** 11 July 2024

**Former employer:** Paxcroft Primary School, Wiltshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 8 July 2024 to consider the case of Mr John Farrell (“Mr Farrell”).

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Ms Aruna Sharma (teacher 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 Mark Millin of Counsel.

Mr Farrell was present and was represented by Mr Matthew Ferris, a Regional Official from the National Association of Schoolmasters and Union of Women Teachers (“NASUWT”).

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

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 April 2024.

It was alleged that Mr Farrell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as Deputy Headteacher at Paxcroft Primary School:

1. Between May 2021 and September 2022, he:
  - a) used cocaine, a Class A drug, on one or more occasion(s);
  - b) used ecstasy, a Class A drug, on one or more occasion(s);
  - c) used cannabis, a Class B drug, on one or more occasion(s).
2. On or around 26 September 2022, he provided his employer with inaccurate information as to the reason why he was unable to attend work.
3. Your conduct at paragraph 2 was:
  - a) Dishonest;
  - b) Lacking integrity.

Mr Farrell admitted the facts of allegations 1(a), 1(c), 2 and 3(a) and denied the facts of allegations 1(b) and 3(b).

Mr Farrell disputed whether his admitted conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Excluding the Public from Part 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 2020 ("the Procedures") to exclude the public from all or part of the hearing. This followed a request by the teacher's representative that parts of the hearing relating to Mr Farrell's [REDACTED] should be heard in private.

No objection was made by the presenting officer to the teacher's representative request.

The panel determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second limb of paragraph 5.85 of the Procedures for the public to be excluded from part of the hearing when reference is made to Mr Farrell's circumstances [REDACTED].

The panel took into account the general rule that hearings should be held in public and that this is 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 part of the hearing to be heard in private, was a reasonable one given concerns about confidential matters relating to [REDACTED] being placed in the public domain. The panel did not consider that there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to [REDACTED]. The panel took account of the teacher documents whereby several references were made [REDACTED], along with reference to [REDACTED]. The panel noted that there were also references to [REDACTED] in the TRA witness evidence and other documentation arising from the School's investigation.

The panel had regard to whether the teacher's request 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 in public. The panel considered in the circumstances of this case that 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 agreed to this application for those parts of the hearing to be heard in private.

## **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 and response – pages 6 to 13

Section 3: Teaching Regulation Agency witness statements – pages 14 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 173

Section 5: Teacher documents – pages 174 to 196

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel was also provided with the presenting officer's skeleton submissions for the TRA's case.

## Witnesses

The panel heard oral evidence from the following individuals who were called to give evidence on behalf of the TRA:

Witness A – [REDACTED]

Witness B – [REDACTED]

Mr Farrell also gave oral evidence at the hearing.

## 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 Farrell was employed as the deputy headteacher at Paxcroft Primary School (“the School”) from 1 April 2006.

Mr Farrell contacted the [REDACTED] of the School on Sunday 25<sup>th</sup> September 2022 to notify her that he was unable to attend work as he had fallen off a step ladder whilst cutting a hedge and injured his head over the weekend.

[REDACTED] subsequently contacted the School and spoke with the [REDACTED] on 27 September 2022 regarding phone calls that were made to the Multi-Agency Safeguarding Hub (“MASH”) and police by [REDACTED]. [REDACTED] had alleged that Mr Farrell had taken drugs and had been drinking heavily over the weekend. Mr Farrell denied that he had taken drugs over this weekend. He accepted that he had drunk six bottles of beer.

It was alleged that a friend of a friend had found Mr Farrell injured in a lane, which Mr Farrell did accept.

An investigating officer was appointed to investigate the allegations. Mr Farrell was invited to a disciplinary hearing on 14 March 2023 and an appeal hearing was held on 17 April 2023.

## 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. Between May 2021 and September 2022, you:**

**a) used cocaine, a Class A drug, on one or more occasion(s);**

Mr Farrell admitted this allegation.

Witness A stated that when Mr Farrell had spoken to her on 30<sup>th</sup> September 2022, after the DOFA had been in contact with her, she stated that the only two drugs which Mr Farrell had mentioned were cocaine and cannabis, which he said he had previously taken during holiday periods.

The panel also noted that no specific dates were mentioned as to when these drugs were taken during this conversation.

The panel noted that Mr Farrell had accepted in the School's investigation interview notes where he stated "*I have on the odd occasion used drugs recreationally.*"

Mr Farrell stated in oral evidence that he had previously taken cocaine on one occasion between May 2021 and September 2022 during the 2022 summer school holiday period when he was in Birmingham for a cricket match with his friends.

On the balance of probabilities, the panel found allegation 1(a) proved. The panel found that Mr Farrell had used cocaine on one occasion between May 2021 and September 2022, but there was no evidence to suggest that Mr Farrell had used cocaine more than once during this specific period.

**2. On or around 26 September 2022, you provided your employer with inaccurate information as to the reason why you were unable to attend work.**

Mr Farrell admitted this allegation.

The panel had sight of the WhatsApp message exchange between Mr Farrell and Witness A regarding the reason why Mr Farrell was unable to attend work on 26 September 2022. In response to Witness A's question about how Mr Farrell obtained his head injury, Mr Farrell stated that he "*fell off the step ladders while cutting hedge.*"

Mr Farrell stated in the investigation interview with the School on 9 January 2023 that he had informed the headteacher that the reason for his absence on Monday 26<sup>th</sup> September 2022 was because he "*had fallen in the garden cutting the hedge, falling from a stepladder.*" Mr Farrell stated that he had actually "*fallen on the Friday night after being out. I didn't fall in the garden. My intention was to return to work and have a discussion with her face to face. I was embarrassed.*"

Witness A became emotional during the hearing when asked how she felt when informed by the DOFA that Mr Farrell may not have given an accurate reason for his absence at school. Witness A said "*I was completely shocked. I couldn't believe what I was hearing... I couldn't believe that he had lied to me. I felt really disappointed.*"

Witness A stated that she had managed to speak with Mr Farrell over the phone after the conversation with the DOFA where Mr Farrell accepted that he was not honest with Witness A about his reason as to why he was absent from school.

The panel found Witness A and Mr Farrell to be consistent in their evidence when recollecting the events. Mr Farrell admitted in his oral evidence that he had lied.

The panel found allegation 2 proved.

### 3. Your conduct at paragraph 2 was:

#### a) Dishonest;

Mr Farrell admitted this allegation.

The panel had regard for the legal adviser's advice when considering an allegation of dishonesty. The panel needed first to ascertain, subjectively, the actual state of Mr Farrell's knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Farrell's state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Mr Farrell's knowledge or belief as to the facts. The panel noted that Mr Farrell was aware that he was untruthful when he contacted Witness A about the reason why he was going to be absent from school.

The panel noted that Mr Farrell stated that he had "*panicked*" when he sent the message to Witness A and described feeling "*embarrassed*". Mr Farrell said that he wanted to have a face to face conversation with the headteacher and "*look her in the eyes and tell her the story*".

The panel noted that the incident occurred on Friday 23 September 2022. Mr Farrell had contacted Witness A on Sunday 25 September 2022, which meant that Mr Farrell would have had time to think about his actions and reasons for being absent on Monday 26 September before contacting the School. The panel noted that, even after sending the untruthful reason for his absence, he had time to reflect and correct himself before the DOFA made contact with Witness A.

The panel noted that after the incident, Mr Farrell had stated that when at the hospital on Monday 26<sup>th</sup> September 2022, the medical practitioner informed him that he had "*all of the hallmarks of suffering a concussion.*" The panel took this into consideration, but there was no medical evidence to support the concussion.

The panel was of the view that Mr Farrell's failure to report the real reason as to why he was going to be absent from the School was deliberate and a conscious decision.

[REDACTED].



The panel was sympathetic to Mr Farrell's personal circumstances during this time, but ascertained that Mr Farrell was aware of what he was doing by giving an untruthful reason for his absence at work was wrong. Furthermore, the panel determined that Mr Farrell's state of mind at the time would be regarded by the standards of ordinary, decent people to be dishonest.

The panel therefore found allegation 3(a) proved.

**b) Lacking integrity.**

Mr Farrell denied this allegation. The panel considered this allegation solely in respect of allegation 2.

When considering a lack of integrity, the panel recognised that this allegation connotes adherence to the ethical standards of one's own profession and involves more than mere honesty. It is linked to the manner in which the profession professes to serve the public.

The panel recognised that in addition to Mr Farrell acting dishonestly, his actions impacted upon the trust and confidence that Witness A had of Mr Farrell, as a senior member of staff at the School. Witness A stated during the hearing that her trust in Mr Farrell was broken. The panel noted that the question asked by Witness A as to how Mr Farrell's injury occurred was very straightforward and there was no likelihood of him misunderstanding what was being asked.

The panel noted that Mr Farrell was a deputy headteacher and a senior teacher with 23 years in the teaching profession. Mr Farrell would have been well aware that being dishonest to Witness A would have had an impact on staff working in the School.

The panel noted that teachers are seen as role models in the way they behave. The panel recognised that as a teacher, Mr Farrell demonstrated a lack of accountability when he had the opportunity to come clean before the DOFA had contacted the School.

The panel considered that Mr Farrell's behaviour did not adhere to the ethical standards of a teacher and was in contrast to the manner in which the profession professes to serve the public.

The panel found allegation 3(b) proved.

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

**1. Between May 2021 and September 2022, you:**

**b) used ecstasy, a Class A drug, on one or more occasion(s);**

Mr Farrell denied this allegation.

Throughout the entirety of the School's investigation and during this hearing, Mr Farrell has been adamant that he has never taken ecstasy.

Witness A stated that when Mr Farrell had spoken to her on 30<sup>th</sup> September 2022, after the DOFA had been in contact, she stated that the only two drugs which Mr Farrell had mentioned were cocaine and cannabis, which he had previously taken during holiday periods. The panel noted that no specific dates were mentioned. Witness A said that Mr Farrell had not mentioned using ecstasy.

As part of the DOFA's report, it was alleged that [REDACTED] had found a photograph of Mr Farrell holding up what she claimed to be an ecstasy tablet. Mr Farrell's response to this allegation during the investigation was that what [REDACTED] believed to be an ecstasy tablet was actually a piece of chalk.

When Mr Farrell was asked questions about this allegation during the hearing, Mr Farrell explained that he had been playing darts, hence why the individual in the photo was holding the chalk. The panel did not have sight of the photo and noted that there was no direct evidence to support this allegation.

[REDACTED] was not interviewed as part of the School's investigation and was not called to give evidence before this panel. The panel was not provided with a witness statement from [REDACTED] as part of these proceedings. The panel took the view that the hearsay evidence was relevant and fair to admit in the circumstances where the panel could consider how much weight to attach to the evidence. The panel determined to attach significantly less weight to this hearsay evidence, compared to the oral evidence of Mr Farrell who had been cross examined on this matter during the hearing.

The panel found Mr Farrell to be consistent when giving evidence in respect of this allegation. The panel did not receive any convincing evidence to support this allegation.

The panel did not find allegation 1(b) proved.

**c) used cannabis, a Class B drug, on one or more occasion(s).**

Mr Farrell admitted this allegation.

During the hearing, Mr Farrell admitted to using cannabis five or six years ago during a trip to Amsterdam, but denied using cannabis on any occasion between May 2021 and September 2022.

The panel noted that Mr Farrell had admitted taking cannabis five or six years ago during the School's investigation interview with Witness B and found his evidence to be consistent.

Witness A stated that when Mr Farrell had spoken to her on 30<sup>th</sup> September 2022, after the DOFA had been in contact, she stated that the only two drugs which Mr

Farrell had mentioned were cocaine and cannabis, which he had previously taken during holiday periods. The panel noted that no specific dates were mentioned.

The panel noted that there was no convincing evidence to support the allegation that Mr Farrell had taken cannabis between May 2021 to September 2022.

The panel did not find allegation 1(c) proved.

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

Having found a number of the allegations 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 Farrell, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Farrell 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
  - not undermining fundamental British values, including,... the rule of law...
- 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 not satisfied that the conduct of Mr Farrell, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”) and Working Together to Safeguard Children.

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

The panel found that the offence of possession (including for personal use),... of any class A drugs and serious dishonesty were 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.

The panel noted that allegation 1(a) took place outside the education setting. The panel noted that misconduct outside of the education setting will amount to “unacceptable professional conduct” only if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way.

Mr Farrell admitted to taking cocaine on one occasion during the school summer holiday period in 2022 at a cricket match with his friends. The panel was not presented with any evidence to suggest that this Class A drug had been used by Mr Farrell on more than one occasion between May 2021 and September 2022, except for [REDACTED] initial allegation to MASH and the Police. [REDACTED] was not interviewed as part of the School’s investigation and was not called to give evidence before this panel, therefore, whilst the panel admitted the evidence, the panel attached significantly less weight to this hearsay evidence, compared to the oral evidence of those individuals (including Mr Farrell), who had been called as witnesses for this hearing. There was no evidence to suggest that Mr Farrell was reliant on the Class A drug or had a drug problem. There was also no evidence to suggest that Mr Farrell’s performance at the School had been affected by occasional drug use. Witness A stated that she worked closely with Mr Farrell. There was no indication that Mr Farrell had used drugs and that when Witness A found out about the initial allegations of drug use, she was “*completely shocked*”.

The panel noted that the taking of a Class A drug for recreational purposes is illegal. This serious misconduct of Mr Farrell in using cocaine took place outside of the education setting on one occasion during the 2022 summer school holiday period. The panel did not see any evidence to suggest that the misconduct would affect the way in which Mr Farrell fulfilled his teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way. There was no evidence brought to the panel’s attention to suggest otherwise. The panel also considered the School’s code of conduct, which required staff not to be under the influence of any substance which may affect their ability to care for children.

Accordingly, the panel did not consider, that allegation 1(a) amounted to unacceptable professional conduct, when taking into consideration the circumstances outlined above.

The panel noted that allegations 2, 3(a) and 3(b), which included a finding of dishonesty and lack of integrity (inside the education setting) was again misconduct of a serious nature. The panel noted that even after sending the untruthful reason for his absence, Mr Farrell had time to tell the truth before the DOFA made contact with Witness A. The panel noted Mr Farrell’s lack of accountability and regard for the ethos, policies and practices of the School fell significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mr Farrell was guilty of unacceptable professional conduct in respect of allegations 2, 3(a) and 3(b).

## **Conduct that may bring the Profession into Disrepute**

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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

The panel found that the offence of possession (including for personal use),... of any class A drugs and serious dishonesty were 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. In particular, the panel was of the view that for any teacher to take a Class A drug whatever the setting would have an extremely harmful impact of the individual's status as a teacher.

The panel considered that Mr Farrell's conduct in all proven allegations could potentially damage the public's perception of a teacher. The panel noted that any teacher using a Class A drug whatever the setting would damage the public's perception of a teacher. The panel noted that such behaviour is illegal and would seriously damage the public's confidence in the profession.

The panel therefore found that Mr Farrell's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1(a), 2, 3(a) and 3(b) proved, the panel further found that Mr Farrell's conduct amounted to unacceptable professional conduct in respect of allegations 2, 3(a) and 3(b) and conduct that may bring the profession into disrepute in respect of allegations 1(a), 2, 3(a) and 3(b).

## **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 Farrell and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

The panel's findings in respect of Mr Farrell involved taking a Class A drug on one occasion during the school 2022 summer holiday period, dishonesty and lack of integrity. Therefore, there was a strong public interest consideration in that confidence in the profession could be seriously weakened if conduct such as that found against Mr Farrell 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.

The panel considered that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and noted that he is able to make a valuable contribution to the profession.

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

The panel took further account of the Advice, which 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;
- actions or behaviours ... that undermine fundamental British values of ..., the rule of law,...
- dishonesty or a lack of integrity, including the deliberate concealment of their actions...

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to

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

In the light of the panel's findings, the panel noted that there was evidence that Mr Farrell's actions were deliberate. There was no evidence to suggest that Mr Farrell was acting under extreme duress. The panel did however acknowledge Mr Farrell's [REDACTED].

Mr Farrell did have a previously good history, having demonstrated high standards in his professional conduct and having contributed to the education sector, with an unblemished 23 year career in the teaching profession. The panel accepted that the incident was out of character, when considering the circumstances that Mr Farrell found himself in at the time of the proven allegations.

The panel had sight of nine character references. The panel noted that some of Mr Farrell's character references were provided by former colleagues, who were able to attest to his abilities as an educator. Some of the individuals who submitted character references on behalf of Mr Farrell were aware of the allegations that he faced in these proceedings.

*A former colleague and parent of the School stated that she found Mr Farrell "to be genuinely invested in the wellbeing of all of the students and staff at the school. John's warmth, human touch and approachability were a huge asset and were essential components in making the staff team feel united during the unsettled and uncertain times of the Covid pandemic....He was always front and centre, supporting children at sports days, discos, fetes and school productions."*

*A second former colleague said "Professionally, John has been a valued member of the school community throughout the time I have known him. He has brought so much to the life of the school, going out of his way to ensure the children always come first and to make their time at school memorable. Instances include hosting talent shows, putting on discos, taking children on countless trips and residential stays and being the face of sports days and summer fayres. He will go above-and-beyond and his commitment to the school has meant that he has become a well-loved member of staff whom both the children and parents look up to and respect. It is clear just how much working with children means to John; he has a true gift to engage in a classroom and his enthusiasm is evident in everything he does."*

*A third former colleague said "Professionally, I have always held John in high esteem. He is approachable, principled and fair. He has always been able to get the best out of the children, setting high expectations of their conduct blended with warmth and humour. I have known few teachers who strike this balance as well as John does. John has a strong set of principles and is passionate about the state of education. I have always known him to act with integrity and in the interests of the school community. He is well respected by children, parents and colleagues."*

*A long term friend of Mr Farrell said "I have known John for nearly 40 years, we have grown up together and remained in close and regular contact ever since. I have always found John to be a warm, trustworthy, reliable and responsible person. Has always loved teaching and his enthusiasm for the role is admirable..."*

[REDACTED]. *I would wholeheartedly support John being allowed to be back in the teaching roles in which he excels, and loves. I think it would be a great loss to the teaching profession if he were not able to teach again.*”

A second long term friend of Mr Farrell stated *“Mr. Farrell is an excellent and driven teacher, to which his career to date, bears testimony. I have personally observed his enthusiasm and natural skill as an educator when he assisted with remote education of my youngest (11) son who was having difficulty coping with education in a foreign language.”*

Another friend of Mr Farrell stated *“Regarding John’s character and my belief in his fitness to teach, I’d be very happy for my children to be taught and counselled by John. I have no concern for his teaching conduct and responsibility towards potential future pupils. On the contrary, we all remember the great teachers of our childhood, and I have no doubt John’s counsel, his good humour and passion for teaching has benefitted the lives of many, many children. John is of stable and decent character, and remains dedicated to his profession despite his current circumstances. I consider few people to be more deserving of a second chance than John.”*

The panel noted that Mr Farrell showed a high level of insight and remorse for his misconduct. When the panel asked Mr Farrell questions, he recognised how his misconduct had affected Witness A and the wider teaching profession. The panel was of the view that Mr Farrell was open and honest when giving evidence and did not try to deflect responsibility for his actions. The panel also noted the consistency in Mr Farrell’s evidence, from when he was first interviewed by the School, to this TRA hearing.

[REDACTED].

[REDACTED]. Mr Farrell confirmed that he has a good network of family and friends around him.

During the hearing, the panel asked Mr Farrell questions about how he would manage a situation, if he was given the opportunity to teach again, where a potential stakeholder, for example, a new employer in the education sector, found out about his proven conduct (which amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute). The panel considered that Mr Farrell’s response to these questions was reflective and appropriate.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. The panel acknowledged that the finding of taking a Class A drug on one occasion during the school 2022 summer holiday period was particularly serious and illegal, however, the panel recognised that there was no evidence to suggest that this affected the way in which Mr Farrell fulfilled his teaching role or that it may have led



to pupils being exposed to or influenced by the behaviour in a harmful way. Mr Farrell was asked whether he had taken a drug since the start of School's investigation, to which Mr Farrell said "no". He stated that he regretted the decisions he made in 2022.

The panel acknowledged that by Mr Farrell taking the Class A drug on one occasion, it would be likely to bring the profession into disrepute. However, the panel's view was that because this took place on a sole occasion, which the panel accepted was out of character when considering Mr Farrell's [REDACTED], there would be no risk of repetition.

The panel also recognised that the finding of dishonesty and a lack of integrity stemmed from one incident where he was untruthful to the School about the reason for his absence in September 2022. There was no evidence to suggest that Mr Farrell had been dishonest in the past.

The panel also considered that this case did not contain findings of a safeguarding risk and children were not placed at any harm by Mr Farrell's misconduct.

The panel recognised that if Mr Farrell did wish to pursue a career in the education setting, he would be required to declare this public finding. The panel's view was that a prohibition order would be disproportionate in the circumstances and that a public finding of his unacceptable professional conduct and conduct that may bring the profession into disrepute would in itself may convey some moral blameworthiness to the ordinary citizen. The panel also considered that a public finding of this nature is also likely to affect Mr Farrell's professional reputation.

In the panel's experience, the nature of Mr Farrell's serious misconduct was at the lower end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

## **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 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 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 1.b and 1.c), and found that one proven allegation (allegation 1.a) did not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

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 John Farrell 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
  - not undermining fundamental British values, including,... the rule of law...
- 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 finds that the conduct of Mr Farrell fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings of taking a Class A drug on one occasion, dishonesty and lack of integrity

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 likely to 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 Farrell, 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 safeguard pupils. The panel has observed that “this case did not contain findings of a safeguarding risk and children were not placed at any harm by Mr Farrell’s misconduct.”

I have also taken into account the panel’s comments on insight and remorse, which the panel has set out as follows:

“The panel noted that Mr Farrell showed a high level of insight and remorse for his misconduct. When the panel asked Mr Farrell questions, he recognised how his misconduct had affected Witness A and the wider teaching profession. The panel was of the view that Mr Farrell was open and honest when giving evidence and did not try to deflect responsibility for his actions. The panel also noted the consistency in Mr Farrell’s evidence, from when he was first interviewed by the School, to this TRA hearing.”

I have therefore given this element 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 has observed:

“The panel considered that Mr Farrell’s conduct in all proven allegations could potentially damage the public’s perception of a teacher. The panel noted that any teacher using a Class A drug whatever the setting would damage the public’s perception of a teacher. The panel noted that such behaviour is illegal and would seriously damage the public’s confidence in the profession.”

I am particularly mindful of the finding of using a Class A drug and dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to 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 Farrell himself. The panel has commented:

“Mr Farrell did have a previously good history, having demonstrated high standards in his professional conduct and having contributed to the education sector, with an unblemished 23 year career in the teaching profession. The panel accepted that the incident was out of character, when considering the circumstances that Mr Farrell found himself in at the time of the proven allegations.”

The panel has noted that it had sight of 9 character references, which included references from former colleagues who attested to his abilities as a teacher. The panel has also acknowledged “Mr Farrell’s[REDACTED].”

A prohibition order would prevent Mr Farrell 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.

The panel has noted that the taking of a Class A drug for recreational purposes is illegal, is serious misconduct and would be likely to bring the teacher profession into disrepute. It has also found that the dishonesty and lack of integrity was misconduct of a serious nature. However, the panel has also found that the nature of Mr Farrell's misconduct was at the lower end of the possible spectrum and that there were mitigating factors which, in the panel's view, mean that a prohibition order would not be appropriate in this case.

In this case, I have placed considerable weight on the panel's comments concerning the mitigating factors, in particular the high level of insight and remorse shown by Mr Farrell.

I have also placed considerable weight on the finding of the panel that because the taking of a Class A drug "took place on a sole occasion, which the panel accepted was out of character when considering Mr Farrell's [REDACTED], there would be no risk of repetition." The panel has found that "There was no evidence to suggest that Mr Farrell was reliant on the Class A drug or had a drug problem." It also found that there was no safeguarding risk or harm to children as a result of the misconduct.

I have also noted the panel's finding that the "dishonesty and a lack of integrity stemmed from one incident where he was untruthful to the School about the reason for his absence in September 2022. There was no evidence to suggest that Mr Farrell had been dishonest in the past."

For these reasons, I have accepted the panel's recommendation 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.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 19 July 2024**

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