



Mr Adrian Ferguson: Professional conduct panel hearing outcome

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

October 2026

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

Teacher: Mr Adrian Ferguson

Teacher ref number: 3849385

Teacher date of birth: 24 December 1969

TRA reference: 20137

Date of determination: 2 October 2026

Former employer: Peak Academy, Dursley

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 September to 2 October 2026 by way of a virtual hearing, to consider the case of Mr Adrian Ferguson.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Gill Lyon (teacher panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Caroline Collins of Capsticks LLP solicitors.

Mr Adrian Ferguson was not present and was not represented.

The hearing took place in public by way of a virtual hearing and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 14 July 2026.

It was alleged that Mr Ferguson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at Peak Academy ("the School") he:

1. On 21 October 2019:
 - a. encouraged and/or allowed Pupil A and Pupil B to fight;
 - b. failed to take adequate steps to safeguard Pupil A and/or Pupil B when Pupil A and Pupil B were fighting.

Mr Ferguson made no admission in respect of allegations 1.a. and 1.b. He also made no admission as to whether the conduct alleged amounted to unacceptable conduct and/or conduct that may bring the profession into disrepute. The panel proceeded on the basis that the allegations were fully contested.

Summary of evidence

Documents

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

Section 1: Chronology, list of key people and anonymised pupil list – pages 4 to 6

Section 2: Notice of Hearing and response – pages 7 to 32

Section 3: TRA witness statements – pages 33 to 76

Section 4: Local investigation documents – pages 77 to 197

Section 5: TRA documents – pages 198 to 272

Section 6: Teacher documents – pages 273 to 331

The panel also had an addendum bundle totalling 120 pages and CCTV footage.

The panel members confirmed that they had read all of the documents within the bundle and addendum bundle, and had viewed the CCTV footage, in advance of the hearing.

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession, May 2020 (the "Procedures").

Witnesses

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

Witness A – [REDACTED]

Witness B – [REDACTED]

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 Ferguson commenced employment at Peak Academy (“the School”) as a science teacher in January 2015.

On 21 October 2019, it was alleged that Mr Ferguson and his colleague, Witness B, encouraged and/or allowed Pupil A and Pupil B to engage in a fight and that they failed to take adequate steps to safeguard the pupils.

Mr Ferguson ceased employment at the School on 31 December 2019, having handed his notice in before the incident in which the allegations arose.

A police investigation was carried out in relation to the events of 21 October 2019 but was later discontinued by the Crown Prosecution Service in or around February 2021.

The matter was referred to the TRA on 6 July 2021.

Findings of fact

The findings of fact are as follows:

You are guilty of unacceptable professional conduct and/ or conduct that may bring the profession into disrepute in that, while employed as a teacher at Peak Academy (“the School”) you:

1. On 21 October 2019:

a. encouraged and/or allowed Pupil A and Pupil B to fight;

The panel noted that Mr Ferguson made no admission in respect of allegation 1.a.

The panel considered the CCTV footage along with a summary of the footage from the incident on 21 October 2019. It was noted that the footage had no sound. The footage

recorded Mr Ferguson entering the basecamp room with Pupil A (the “basecamp”), and that Pupil A knocked over a chair appearing agitated. Pupil A was recorded trying, and succeeding to leave the room on several occasions, despite Mr Ferguson sitting on a chair in the corridor of the room trying to block the exit. A few minutes later the CCTV recorded Witness B entering the room with Pupil B and, shortly after, Pupil A and Pupil B started pushing each other. Both members of staff are then seen to have blocked the exit for Pupil B. The CCTV recorded Pupil A and Pupil B fighting, throwing punches and grappling with each other, with no intervention recorded from Mr Ferguson or Witness B who are seen to stand and watch for a period of more than 20 seconds. When Pupil A and Pupil B separated, Mr Ferguson was seen to have taken Pupil A out of view of the CCTV camera. It appeared from the CCTV footage that Pupil A was not removed from the room, resulting in a further physical fight between Pupil A and Pupil B, until Pupil A is physically removed by Mr Ferguson.

The panel carefully considered the fact that the evidence of Pupil A and Pupil B was hearsay evidence obtained from their police Achieving Best Evidence (“ABE”) interviews. In accordance with the legal advice received and the factors set out in section 4 of the Civil Evidence Act 1995, the panel considered the weight that could properly be attached to that evidence. The panel noted that both pupils’ accounts were provided relatively contemporaneously to the events in question, and were independently given in formal police interview circumstances by specialist officers who are trained in interviewing vulnerable witnesses including children. Whilst the panel recognised that the interviews had subsequently been transcribed from handwritten notes and that some parts of the interviews were unclear or incomplete, it was satisfied that those issues did not materially undermine the reliability of the relevant passages.

The panel considered the transcribed notes from a police interview with Pupil A dated 5 December 2019. Pupil A submitted that after his fight with Pupil B Mr Ferguson was smiling and laughing and that it was the other member of staff in the room that had separated them. He stated that Mr Ferguson also tried to fist bump him after the fight to say well done. Pupil A recorded that he was not sure, when fighting, if Mr Ferguson said anything but that he did not tell them to stop.

The panel considered the transcribed notes from a police interview with Pupil B dated 11 December 2019. Pupil B stated that he thought Mr Ferguson was at the door stopping anyone coming into the room to intervene. He submitted that Mr Ferguson had pulled Pupil A off him when he was punching him on the sofa, and that he took Pupil A out of the room at that point. He stated that he got on well with Mr Ferguson and that he was “*alright*” in how he had acted on that day.

When assessing the weight to be given to this hearsay evidence, the panel further noted that there was no evidence that either pupil had any motive to fabricate their accounts, and the suggestions that they had colluded with one another or had been influenced by

others were speculative and unsupported by evidence. In addition, aspects of the CCTV footage, whilst lacking audio and therefore incapable of proving the words spoken, were consistent with the pupils' accounts and showed behaviour which the panel considered capable of supporting their description of events. Having considered all of those matters, the panel was satisfied that appropriate weight could be attached to the evidence of Pupils A and B. The panel found their accounts to be credible and accepted, on the balance of probabilities, their evidence that Mr Ferguson's conduct could be interpreted as encouraging them to fight each other.

The panel considered the meeting notes from the School's investigation meeting with Witness B, the other teacher present during the fight between Pupil A and Pupil B, dated 3 March 2021. Witness B submitted that when he had entered basecamp and had seen Mr Ferguson with Pupil A, it had reinforced to him that it must have been a minor issue to handle between Pupil A and Pupil B, as Mr Ferguson was not a pastoral member of staff. He submitted that it would have been strange for Pupil A to have been left with Mr Ferguson alone in basecamp if there had been a serious altercation between the pupils. He submitted that he and Mr Ferguson positioned themselves by the door so that Pupil B could not run off as he had been threatening to *"get his fucking [REDACTED] and smash up the school"*. Witness B submitted that after 15-20 seconds of fighting, Pupil A was easily guided out of the room by Mr Ferguson.

The panel considered Mr Ferguson's statement. Mr Ferguson submitted that he had been directed to look after Pupil A in basecamp by another member of staff who was the pastoral manager. Mr Ferguson stated that the member of staff did not communicate why Pupil A was there and that he left them in the room. Mr Ferguson reported Pupil A to have been very irate and erratic and that he had attempted to gather information about what had happened from Pupil A. At this point, Witness B arrived at basecamp with Pupil B, and he asked both pupils to explain to him what had happened. Pupil B was offered space in another room by Witness B, but he refused and instead stated that he wanted to *"smash the fucking school up with his [REDACTED]"* and that he became extremely threatening. Mr Ferguson submitted that he felt it was likely Pupil B would try and run off down the corridor, so it seemed logical for him and Witness B to position themselves in the exit. Mr Ferguson further stated that there was a clear direction for the pupils to use the room to avoid escalation and that both himself and Witness B were trying to understand what the issue was between Pupil A and Pupil B. Mr Ferguson submitted that at no point were Pupil A or Pupil B encouraged by him or Witness B.

The panel placed significant weight on the CCTV footage, which clearly showed the fight taking place and continuing for a period of over 20 seconds without any intervention from Mr Ferguson. The panel noted that Mr Ferguson accepted during the police investigation that he should have intervened sooner and that, with hindsight, he would have acted differently. The panel also attached weight to his admissions that he allowed the pupils to fight briefly in the belief that this would enable him to intervene more effectively and bring

the incident under control. The panel was therefore satisfied that Mr Ferguson permitted the fight to occur and found the “allowed” limb of the allegation proved.

The panel gave more careful consideration to whether Mr Ferguson encouraged the fight. It recognised that the evidence against him was less direct than that against Witness B. In particular, both Pupils A and B attributed the words encouraging the fight to Witness B rather than to Mr Ferguson, and Mr Ferguson consistently denied encouraging the pupils to fight. The panel also acknowledged the limitations of the CCTV footage, which contained no audio and could not establish what was said. Nevertheless, the panel considered a number of factors which supported a finding of encouragement. These included Mr Ferguson's conduct during the incident, his admitted decision to allow the fight to continue, the evidence that he was smiling or laughing during the incident, aspects of his interaction with the pupils visible on the CCTV footage, and evidence from Pupil A suggesting that Mr Ferguson attempted to celebrate or acknowledge the outcome of the fight. The panel further noted footage showing Mr Ferguson gesturing towards Pupil A immediately before the altercation resumed and considered that such conduct could reasonably be interpreted as encouraging the continuation of the confrontation.

The panel concluded that, when viewed cumulatively, the evidence was sufficient to establish that Mr Ferguson's actions and demeanour amounted to encouragement of the fight. The panel was influenced by the fact that his conduct went beyond a mere failure to intervene and was capable of being perceived by the pupils as endorsing or facilitating the altercation.

The panel found that Mr Ferguson both encouraged and allowed Pupil A and Pupil B to fight.

The panel found allegation 1.a. proven.

b. failed to take adequate steps to safeguard Pupil A and/or Pupil B when Pupil A and Pupil B were fighting.

The panel noted that Mr Ferguson made no admission in respect of allegation 1.b.

The panel considered the copy of an incident report logged onto the School's behaviour management system, regarding Pupil A and Pupil B. This showed that on 21 October 2019 at 18:08 an incident report was submitted by Witness B as follows: *“An incident occurred at break where Pupil A accidentally bumped into Pupil B. Pupil B took grievance to this as [REDACTED]. Pupil B couldn't let this go and this spilled into lunch time where Pupil B was intent on fighting with Pupil A who was also in high arousal. When we took Pupil B to discuss this with Pupil A they ended up shouting at each other and then started to throw punches. At this point we intervened with physical intervention to keep both parties safe”*.

The panel considered the oral evidence and witness statement of Witness A, who was [REDACTED] at the time of the incident. Witness A submitted that all staff at the School were involved in the training called "*Team Teach*". He stated that the training involved de-escalation techniques and that it clearly set out to staff that they had a duty of care to use physical intervention when necessary, and that the training had taught staff a variety of different restraints. Witness A stated that he would not be able to comment on what occasions it would be appropriate for staff not to intervene between two pupils, as he was not present in the room at the time of the incident nor had he seen the CCTV footage.

The panel noted that Mr Ferguson provided a response to concerns during the police investigation, in which he submitted that he had gone to the basecamp room as a member of staff had asked for help with Pupil A. He had explained that Witness B came into the room with Pupil B and had said that he and Pupil B needed to sort things out through a conversation. He stated that Pupil A and Pupil B began fighting and that he had been worried about Pupil B's [REDACTED]. Upon watching the CCTV, Mr Ferguson said that he was "*disgusted*" and said that he and Witness B should have intervened earlier, but he submitted that the pupils were not taken there to fight or encouraged to do so. He explained that the risk assessment he had undertaken meant that he did not intervene sooner. Mr Ferguson also noted it "*was safer for them to have a go at each other*".

The panel considered Mr Ferguson's statement dated 30 November 2021, in which he submitted that "*the boys went for each other by pushing and shoving*" and that it was an unpredictable event and that it was difficult to know how to react, especially as Pupil B had [REDACTED]. He stated that as the "*melee escalated*" he had continued risk assessing the situation and that a number of factors entered his thoughts; if he intervened, he could have been injured; Pupil B had [REDACTED]; pupils are known to carry sharp pens to use "*as an instrument to hurt*"; and he could have faced allegations if he intervened. Having made this assessment Mr Ferguson submitted that he intervened when the "*melee ceased*" by putting his arm around Pupil A's waist and guiding him out of the room.

The panel found that Mr Ferguson failed to take adequate steps to safeguard Pupil A and Pupil B whilst they were fighting. The panel considered that this allegation flowed naturally from its findings in respect of allegation 1.a. Having concluded that Mr Ferguson allowed and encouraged the fight to take place, the panel was satisfied that he failed to take appropriate safeguarding action to protect the pupils from a foreseeable risk of harm.

The panel placed significant weight on the CCTV footage, which showed a physical altercation taking place over a sustained period without prompt intervention. It noted that, although neither pupil ultimately sustained injury, this appeared to be a matter of good fortune rather than evidence that the situation presented little risk. The panel observed

that both pupils delivered a number of forceful punches and that the incident involved a clear risk of physical harm to both pupils.

The panel also considered that there were several opportunities to intervene, separate the pupils, remove one or both pupils from the room, or seek assistance. Instead, the fight was permitted by Mr Ferguson to continue. The panel was particularly concerned by the lack of any immediate reaction when the confrontation escalated and the absence of any attempt to summon help and concluded that he had failed to take adequate safeguarding measures.

Accordingly, the panel concluded that Mr Ferguson did not take reasonable or adequate steps to safeguard Pupil A and Pupil B during the incident and the panel found allegation 1.b. proven.

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

Having found 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 first considered whether the conduct of Mr Ferguson, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Ferguson 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 Ferguson, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE").

The panel considered that Mr Ferguson was in breach of the following provisions of KCSIE, September 2019:

4. *Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:*

- *protecting children from maltreatment;*
- *preventing impairment of children's health or development;*
- *ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and*
- *taking action to enable all children to have the best outcomes*

The panel considered that the panel's findings against Mr Ferguson, namely that he allowed and encouraged two pupils to fight, was a serious breach of his safeguarding responsibilities and duty of care towards pupils and this fell significantly short of the standard of behaviour expected of a teacher. The panel considered that the seriousness of Mr Ferguson's conduct was aggravated by the inherent vulnerabilities of the pupils. [REDACTED].

The panel also considered whether Mr Ferguson's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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 found that the offence of violence was relevant, given that the conduct found proven against Mr Ferguson concerned the deliberate allowing and encouragement of a physical fight between pupils in which punches were exchanged.

For these reasons, the panel was satisfied that the conduct of Mr Ferguson amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Ferguson was guilty of unacceptable professional conduct.

In relation to whether Mr Ferguson's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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

As set out above in the panel's findings as to whether Mr Ferguson was guilty of unacceptable professional conduct, the panel found that the offence of violence was relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "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 Mr Ferguson's status as a teacher.

The panel considered that Mr Ferguson's conduct could potentially damage the public's perception of a teacher. The panel considered that ordinary members of the public would be shocked to learn that a teacher had allowed, and encouraged, pupils to engage in a fight. The panel regarded teachers as standing in a position of trust and acting *in loco parentis*, and considered that parents would reasonably expect teachers to protect pupils from harm rather than facilitate physical violence between them. The panel therefore concluded that the conduct had the potential to damage public confidence in the profession and amounted to conduct that may bring the profession into disrepute.

For these reasons, the panel found that Mr Ferguson's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

Prior to the panel considering sanction, the presenting officer requested for the Advice dated October 2018 ("2018 Advice") to be considered as the document that would have applied at the time that the conduct found proven took place.

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

The panel had regard to the particular public interest considerations set out in the 2018 Advice and, having done so, found all of them to be relevant in this case, namely: the protection of pupils and other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Ferguson, which involved allowing and encouraging a physical fight between two pupils, there was a strong public interest consideration in respect of protecting pupils.

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

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Ferguson in the profession. Whilst there is evidence that Mr Ferguson had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Ferguson in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the 2018 Advice states that it is important to consider the influential role that a teacher can play in the formation of pupils' views and behaviours. The panel noted separately 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.

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

The panel took further account of the 2018 Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils...; and

- abuse of position or trust (particularly involving vulnerable pupils) or violating of the rights of pupils.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Ferguson's actions were not deliberate.

There was no evidence to suggest that Mr Ferguson was acting under extreme duress.

There was evidence that Mr Ferguson had a previously good history.

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 Ferguson of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Ferguson. Mr Ferguson's conduct as found proven by the panel, which related to his failure to safeguard children, 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 two years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. This includes where the case involved or permitted violence.

The panel identified a number of significant mitigating factors. It noted that Mr Ferguson was of previous good character and that the misconduct arose from a single, one-off incident rather than any pattern of behaviour. The panel also noted that neither pupil suffered any physical injury.

The panel noted legal advice it received regarding the case of *Selvarajan v General Medical Council [2008] EWHC 182* that any delay, but particularly unreasonable delay, can be taken into account in respect of mitigation. The panel accepted that the substantial delay in the progression of the proceedings appeared to have had a significant impact upon Mr Ferguson and considered this to be material. The panel recognised that not all of the elapsed time was attributable to delay by the TRA, but nevertheless concluded that the extended passage of time since 2019 should be taken into account.

The panel considered Mr Ferguson's statement, dated 30 November 2021. Mr Ferguson commented on the impact the allegations had on his life. [REDACTED]. Mr Ferguson submitted that he had been in teaching for more than twenty years specialising in teaching SEMH children, and that he had faced many challenges with children showing inappropriate responses to situations, but that he had never harmed or endangered any child or put them in harm's way in all of his professional career. He submitted that he believed there were other members of staff who could have prevented the fight from happening by communicating the earlier incident between Pupil A and Pupil B, and that he felt that he had been "*thrown under a bus*".

The panel considered the extent of Mr Ferguson's insight and remorse. The panel noted that Mr Ferguson acknowledged, including during his police interviews, that he should have intervened sooner. The panel attached particular weight to his acknowledgment that he owed a duty of care to the pupils and to his observation that, had the pupils been his own children, he would have been "*livid*" at the events shown on the CCTV footage. The panel regarded these statements as demonstrating a genuine appreciation of the seriousness of the misconduct and its impact upon public confidence in the profession. It was also relevant that both pupils had spoken positively about Mr Ferguson in other respects and that there was no indication of any concerns regarding his treatment of pupils.

The panel further considered that Mr Ferguson occupied a less senior position than Witness B and was not the decision-maker primarily directing the incident on 21 October 2019. Whilst the panel found Mr Ferguson responsible for encouraging and allowing the fight and for failing to safeguard the pupils appropriately, it considered that there was an important difference in culpability between the two individuals. The panel accepted that Mr Ferguson was looking to Witness B, [REDACTED], for leadership during the incident. It also considered relevant his evidence that Witness B possessed greater experience in the use of restrictive physical intervention techniques. These factors did not excuse the misconduct but were relevant to the panel's consideration of mitigation.

The panel also noted evidence from the pupils' ABE accounts which suggested that Mr Ferguson had, at points during the incident, instructed the pupils to stop and attempted verbally to bring the confrontation to an end. The panel noted its own analysis of the

CCTV footage supported the pupils' accounts. The panel accepted that there were aspects of his conduct that could be interpreted as efforts to manage the situation, notwithstanding its findings that his overall response fell seriously below acceptable standards.

In considering the risk of repetition, the panel concluded that it was low. Mr Ferguson appears to have demonstrated some insight into his failings, accepted responsibility for not intervening sooner, and there had been no similar incidents or disciplinary concerns brought to the panel's attention since the events in question. The panel was satisfied that he had learned from the incident and considered it highly unlikely that he would repeat the same conduct in the future.

The panel nevertheless concluded that the misconduct remained serious. It involved vulnerable pupils in a specialist setting and included findings that Mr Ferguson both encouraged and allowed a physical fight between pupils to take place, rather than taking immediate steps to protect them. The panel considered that members of the public would be shocked by the conduct and would expect regulatory action to protect public interest considerations. The panel was satisfied that a prohibition order was necessary to maintain public confidence in the profession and to declare and uphold proper standards of conduct. It concluded that publication of the findings alone would be insufficient to meet those public interest objectives.

Having weighed the serious nature of the misconduct against the substantial mitigating factors, including his insight, remorse, previous good character, low risk of repetition and the considerable delay in the proceedings, the panel concluded that a prohibition order was still appropriate and proportionate.

The panel attached weight to Mr Ferguson's apparent insight and remorse, his acceptance that he should have intervened earlier, the absence of any repetition, and the impact of the delay. The panel considered that these factors weighed in favour of a shorter review period. It concluded that a review period of two years appropriately reflected the seriousness of the misconduct whilst taking all factors into account and would allow Mr Ferguson an opportunity to demonstrate continuing reflection before seeking to return to the profession.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of two years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Adrian Ferguson should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Ferguson 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 Ferguson involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel has found that the conduct of Mr Ferguson fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding that a teacher allowed and encouraged two pupils to fight each other.

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 or 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 Ferguson, 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:

“In light of the panel’s findings against Mr Ferguson, which involved allowing and encouraging a physical fight between two pupils, there was a strong public interest consideration in respect of protecting 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. The panel has observed:

“The panel considered the extent of Mr Ferguson’s insight and remorse. The panel noted that Mr Ferguson acknowledged, including during his police interviews, that he should have intervened sooner. The panel attached particular weight to his acknowledgment that he owed a duty of care to the pupils and to his observation that, had the pupils been his own children, he would have been “livid” at the events shown on the CCTV footage. The panel regarded these statements as demonstrating a genuine appreciation of the seriousness of the misconduct and its impact upon public confidence in the profession. It was also relevant that both pupils had spoken positively about Mr Ferguson in other respects and that there was no indication of any concerns regarding his treatment of pupils.”

The panel has also observed:

“In considering the risk of repetition, the panel concluded that it was low. Mr Ferguson appears to have demonstrated some insight into his failings, accepted responsibility for not intervening sooner, and there had been no similar incidents or disciplinary concerns brought to the panel’s attention since the events in question. The panel was satisfied that he had learned from the incident and considered it highly unlikely that he would repeat the same conduct in the future.”

I have therefore given this element some 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 ordinary members of the public would be shocked to learn that a teacher had allowed, and encouraged, pupils to engage in a fight. The panel regarded teachers as standing in a position of trust and acting in loco parentis, and considered that parents would reasonably expect teachers to protect pupils from harm rather than facilitate physical violence between them. The panel therefore concluded that the conduct had the potential to damage public confidence in the profession and amounted to conduct that may bring the profession into disrepute.”

I am particularly mindful of the finding that a teacher allowed and encouraged two pupils to fight each other 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 or 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 Ferguson himself. The panel has noted that Mr Ferguson had a previously good history. I have also noted the panel’s observation:

“The panel considered Mr Ferguson’s statement, dated 30 November 2021. Mr Ferguson commented on the impact the allegations had on his life. [REDACTED]. Mr Ferguson submitted that he had been in teaching for more than twenty years specialising in teaching SEMH children, and that he had faced many challenges with children showing inappropriate responses to situations, but that he had never harmed or endangered any child or put them in harm’s way in all of his professional career. He submitted that he believed there were other members of staff who could have prevented the fight from happening by communicating the earlier incident between Pupil A and Pupil B, and that he felt that he had been “thrown under a bus”.”

A prohibition order would prevent Mr Ferguson 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.

I have noted the panel’s comments on the mitigating factors this case including:

“The panel further considered that Mr Ferguson occupied a less senior position than Witness B and was not the decision-maker primarily directing the incident on 21 October 2019. Whilst the panel found Mr Ferguson responsible for encouraging and allowing the fight and for failing to safeguard the pupils appropriately, it considered that there was an important difference in culpability between the two individuals. The panel accepted that Mr Ferguson was looking to Witness B, [REDACTED], for leadership during the incident. It also considered relevant his evidence that Witness B possessed greater experience in the use of restrictive physical intervention techniques. These factors did not excuse the misconduct but were relevant to the panel's consideration of mitigation.

The panel also noted evidence from the pupils' ABE accounts which suggested that Mr Ferguson had, at points during the incident, instructed the pupils to stop and attempted verbally to bring the confrontation to an end. The panel noted its own analysis of the CCTV footage supported the pupils' accounts. The panel accepted that there were aspects of his conduct that could be interpreted as efforts to manage the situation, notwithstanding its findings that his overall response fell seriously below acceptable standards.”

However, I have placed considerable weight on the panel's comments concerning the seriousness of the misconduct and the failure to safeguard children. The panel has said:

“The panel nevertheless concluded that the misconduct remained serious. It involved vulnerable pupils in a specialist setting and included findings that Mr Ferguson both encouraged and allowed a physical fight between pupils to take place, rather than taking immediate steps to protect them. The panel considered that members of the public would be shocked by the conduct and would expect regulatory action to protect public interest considerations. The panel was satisfied that a prohibition order was necessary to maintain public confidence in the profession and to declare and uphold proper standards of conduct. It concluded that publication of the findings alone would be insufficient to meet those public interest objectives.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Ferguson 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, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a two-year review period. The panel has noted:

“The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. This includes where the case involved or permitted violence.”

I have considered the panel’s comments on the mitigating factors, including:

“The panel identified a number of significant mitigating factors. It noted that Mr Ferguson was of previous good character and that the misconduct arose from a single, one-off incident rather than any pattern of behaviour. The panel also noted that neither pupil suffered any physical injury.”

The panel has concluded:

“The panel attached weight to Mr Ferguson’s apparent insight and remorse, his acceptance that he should have intervened earlier, the absence of any repetition, and the impact of the delay. The panel considered that these factors weighed in favour of a shorter review period. It concluded that a review period of two years appropriately reflected the seriousness of the misconduct whilst taking all factors into account and would allow Mr Ferguson an opportunity to demonstrate continuing reflection before seeking to return to the profession.”

I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that allowing a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

I have therefore decided that a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Adrian Ferguson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 15 October 2028, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Ferguson remains prohibited from teaching indefinitely.

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

Mr Adrian Ferguson has a right of appeal to the High Court within 28 days from the date he is given notice of this order.

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

Decision maker: David Oatley

Date: 6 October 2026

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