



Teaching
Regulation
Agency

Mr Darren Neve: Professional conduct panel meeting outcome

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

April 2021

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

Teacher:	Mr Darren Neve
Teacher ref number:	9248159
Teacher date of birth:	23 August 1971
TRA reference:	19029
Date of determination:	19 April 2021
Former employer:	Grange Community Junior School, Farnborough

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 April 2021 by way of virtual hearing, to consider the case of Mr Neve.

The panel members were Mr Chris Rushton (lay panellist – in the chair), Mr Steve Woodhouse (teacher panellist) and Ms Caroline Downes (lay panellist).

The legal adviser to the panel was Ms Rosie Shipp of Birketts LLP.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Neve that the allegation be considered without a hearing. Mr Neve provided a signed statement of agreed facts dated 25 July 2020, and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Mr Luke Deal, Mr Neve or his representative Mr Yin-Wai Wong.

The meeting took place in private, the decision was announced in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of meeting dated 17 March 2021.

It was alleged that Mr Neve was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher and deputy headteacher at the Grange Community Junior School between 1 September 1998 and 31 December 2019:

1. During the period October to November 2019 he engaged in an inappropriate communication and/or failed to maintain appropriate boundaries with Child X in that he;
 - a. Exchanged text messages, including late at night, in which he:
 - i) Discussed Child X's sexuality;
 - ii) Made inappropriate comments;
 - iii) Sent a video of a paedophile hunter.

Mr Neve admits that he and Child X exchanged text messages, including through [redacted] and WhatsApp, on various dates between October 2019 and November 2019, which included messages late at night.

Mr Neve admits the text messages specifically detailed at allegation 1a(i)-(iii) were sent and admits that in doing so he failed to observe appropriate professional boundaries.

Mr Neve therefore admits the entirety of the allegation.

Mr Neve also admits the facts of the allegation against him and that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology – page 2
- Section 2: Notice of referral, response and notice of meeting – pages 4 to 12
- Section 3: Statement of agreed facts – pages 13 to 25
- Section 4: Teaching Regulation Agency Documents – pages 27 to 127
- Section 5 – Teacher Documents – pages 129 to 145

In addition, the panel agreed to accept a statement provided by Mr Neve to the TRA two days in advance of the meeting and provided to the panel during the meeting. The panel considered admitting the statement was appropriate and in the interests of a fair hearing. The document was admitted as pages 145 to 158.

The panel members confirmed that they had read all of the documents within the bundle in advance of the meeting and took adequate time within the meeting to read the additional statement provided by Mr Neve.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Neve on 25 July 2020 in which Mr Neve admitted all of the allegations.

In summary, Mr Neve was employed by the Grange Community Junior School ('the School') as a teacher and deputy headteacher from 1 September 1998 until 31 December 2019 when he resigned.

Mr Neve began communicating with Child X, [redacted], online [redacted] within and outside of school hours, from 19 October 2019. Mr Neve then went on to communicate with Child X via WhatsApp. Mr Neve discussed Child X's sexuality, made inappropriate comments and sent him a video of a paedophile hunter upon finding out that Child X may have been forming a close relationship with a male over 17.

Following the School's investigation, Mr Neve resigned from his position at the School on 20 December 2019.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Neve for the allegation to be considered without a hearing. The panel had the ability to direct that the case be

considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

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:

Between October 2019 and November 2019, you engaged in an inappropriate communication and/or failed to maintain proper professional boundaries with Child X in that:

- 1. You exchanged text messages, including late at night, in which you:**
 - a. Discussed Child X's sexuality;**
 - b. Made inappropriate comments;**
 - c. Sent a video of a paedophile hunter.**

The panel considered all of the evidence before it, which included Mr Neve's signed statement of agreed facts and screenshots of the messages exchanged between him and Child X.

In relation to allegation 1a., the panel noted that there was a message sent from Mr Neve to Child X online [redacted] asking whether Child X was gay or bi-sexual. Mr Neve's explanation for this particular message was that he mistakenly sent it to Child X instead of a friend as part of a dare on a night out. The panel considered that this was unconvincing as, within the message, Mr Neve says, "*Great looking forward to meeting you. I know it is rather out of the blue but can I ask what sexuality you are? Just between us*". The panel did not consider this message was the type of communication that would have been sent to a person of whom the sender was already familiar with. Furthermore, Mr Neve sent another message about Child X's sexuality to Child X directly on WhatsApp.

In relation to allegation 1b., the panel was satisfied that Mr Neve had made inappropriate comments in that he, when Child X commented about the size of Mr Neve's cat, said "*it's not all about size*". The panel considered Mr Neve's explanation of this provided during the school's disciplinary investigation (that he was really talking about his cat) to be unpersuasive and concluded that the message had innuendo connotations. The panel also considered that the very fact Mr Neve had sent a picture of his cat to be inappropriate. In addition, later in the messages, Mr Neve told Child X that he had been a "*naughty boi [sic]*" at a sleepover. The panel considered that the fact he was talking to

Child X about a sleepover to be inappropriate and that this message also had inappropriate connotations.

In relation to allegation 1c., the context of this allegation is important. Mr Neve sent a video of a paedophile hunter to Child X once he had received messages from Child X indicating that he was forming a relationship with another, older, male. This male, according to Child X, had a car, which meant he was at least 17 years old. While Mr Neve initially took this seriously and even referred Child X to Mr Neve's safeguarding duties as a teacher, he sent the video and suggested that he would report the incident and tell Child X's father. This caused upset to Child X but, in the end, took no meaningful steps to protect Child X and went on to revert to inappropriate messages.

The panel found the allegation proved.

Findings as to unacceptable professional conduct and 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 was satisfied that the conduct of Mr Neve in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Neve 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 Neve fell significantly short of the standards expected of the profession.

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

The panel noted that allegations took place outside the education setting in that he met Child X via a website [redacted]. This website was intended for those over 16 and Child X was using his father's account to seek work during the school holidays. It is clear from the evidence that Mr Neve never had a teaching relationship with Child X. The panel noted this but considered that the nature of Mr Neve's misconduct touched upon his profession as a teacher. The panel considered that teachers have a responsibility to all children to maintain professional boundaries, and to safeguard children when they become aware of a safeguarding concern, as Mr Neve had when Child X disclosed his relationship with an older male. Mr Neve's failure to take appropriate action could have significant implications on his profession and those in his care.

The panel considered that Child X's age should have alerted Mr Neve to his duty to safeguard and maintain professional boundaries with him. Mr Neve had had considerable training in relation to his teaching obligations and the need to safeguard children, and was familiar with the School's policies, which referred to all pupils (not just his own pupils). Mr Neve had also signed a safeguarding certificate one month prior to his communications with Child X. Despite this, Mr Neve continued to have a series of wholly inappropriate communications with Child X unrelated to the furniture removal that they were originally arranging.

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

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

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Neve's status as a teacher, potentially damaging the public perception. In particular, the panel considered that parents would be highly concerned if they became aware of the messages exchanged between Mr Neve and Child X. In addition, it is damaging to the trust parents place in the profession if teachers become aware of a safeguarding risk and do not report it.

The panel therefore found that Mr Neve'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.

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 punitive effect.

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

In the light of the panel's findings against Mr Neve, which involved failing to maintain professional boundaries with a young person, there was a strong public interest consideration in respect of the protection of pupils.

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

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

Notwithstanding 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 Neve.

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

- 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 particularly where there is a continuing risk; and

- abuse of position or trust (particularly involving vulnerable pupils) or violation 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.

In the light of the panel's findings there was evidence that Mr Neve's actions were deliberate and there was no evidence to suggest that he was acting under duress.

The panel considered that the following mitigating factors were present in this case:

- Mr Neve had been under significant strain at work, which he said had caused additional stress. In particular, he was asked to teach a Year 3 class for the first time, which would have involved considerable preparation time alongside his deputy headteacher role and heavy workload. It was clear to the panel that this would have been a significant stressor for Mr Neve, which would not have aided his mental wellbeing. Mr Neve claims this, and a combination of other factors, led to a terrible error of judgement in his actions.
- [redacted]
- Mr Neve has a good history having been in the profession for 27 years. In particular, he appears to have had a valuable status in the local community, and was a significant part of a school management team.
- The panel was referred to several positive references within the bundle, including from the Chair of Governors. These references attested to Mr Neve's good history as a teacher, and his strong relationships with parents and students. However, it did not appear that any of the referees had been made aware of the allegations against Mr Neve, as the emails were acknowledgements and condolences about Mr Neve leaving the profession rather than statements in support of him being retained as a teacher in spite of the allegations against him.
- Mr Neve now, to some extent, accepts responsibility for his actions and has demonstrated that he now understands that they were unprofessional.
- Mr Neve has taken some steps since his resignation including consulting his GP [redacted]

The aggravating features in this case were that:

- Mr Neve received a first written warning, in November 2018, in relation to inappropriate text messages of a sexual nature to a female colleague.

- Mr Neve had several opportunities where he could have, but intentionally failed to, cease communications with Child X. In particular:
 - When Mr Neve found out Child X was [redacted] (which took two or three messages by Mr Neve's account);
 - When Child X confirmed he was not available to assist Mr Neve moving his furniture for a second time, Mr Neve proceeds to ask Child X about the boy he has been meeting up with and says "*assume you are both bi/gay?*";
 - Mr Neve, unprompted, sent Child X a photograph of his cats. This was unconnected to any work that Mr Neve had offered Child X and was an inappropriate attempt to keep the conversation between the two of them going;
 - Upon finding out that Child X was meeting up with an older male with a car, Mr Neve sent Child X several messages (including the paedophile hunter video) accusing Child X's contact of being a paedophile. The panel considered this to be a further opportunity to cease communications and deal with the safeguarding issue appropriately, but Mr Neve failed to do this;
 - After the messages, including the paedophile hunter were sent, Mr Neve sent Child X a message stating "*don't message me again*" but then goes on to send him a further message to confirm that he is not going to report the incident to the police;
 - On another day (2 November) Mr Neve initiated a further conversation with Child X and sent a message to him saying that he had been a "*naughty boi [sic]*" at a sleepover. This again was unprompted and seriously inappropriate.
- Although Mr Neve admits the allegations and has demonstrated that he regrets that the events occurred, he has failed to demonstrate insight in to and reflection on the potential or actual damage that could have been caused to both Child X and/or his family. In fact, Mr Neve has insisted throughout the documentation that his intention was at all times to prevent harm to Child X rather than cause it. However, the panel did not consider that Mr Neve's supposed lifelong commitment to children's wellbeing was compatible with his actions, particularly his failure to take steps to safeguard Child X once he was notified of his relationship with an older male.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Neve 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 Neve. Mr Neve's lack of reflection as to the damage he could have caused, the prolonged and inappropriate nature of the interactions between him and Child X and his failure to protect him despite legitimate safeguarding concerns were significant factors 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period but the panel did not consider that any of these applied to Mr Neve.

The panel considered that Mr Neve's actions were serious but considered that, with the appropriate demonstration of insight and contrition; there may be a time in the future that he would be able to contribute once again to the teaching 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 3 year review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Neve 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 finds that the conduct of Mr Neve fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of inappropriate communication and failing to maintain proper professional boundaries with a child, including exchanging text messages discussing the child's sexuality.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Neve, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Neve, which involved failing to maintain professional boundaries with a young person, there

was a strong public interest consideration in respect of the protection of pupils". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Although Mr Neve admits the allegations and has demonstrated that he regrets that the events occurred, he has failed to demonstrate insight in to and reflection on the potential or actual damage that could have been caused to both Child X and/or his family. In fact, Mr Neve has insisted throughout the documentation that his intention was at all times to prevent harm to Child X rather than cause it." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts pupils at risk. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel considered that parents would be highly concerned if they became aware of the messages exchanged between Mr Neve and Child X. In addition, it is damaging to the trust parents place in the profession if teachers become aware of a safeguarding risk and do not report it". I am particularly mindful of the finding of inappropriate communication in this case and the failure to report a safeguarding risk and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Neve himself and the panel comment "Mr Neve has a good history having been in the profession for 27 years. In particular, he appears to have had a valuable status in the local community, and was a significant part of a school management team."

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

In this case, I have placed considerable weight on the following comments from the panel "The panel considered that Child X's age should have alerted Mr Neve to his duty to

safeguard and maintain professional boundaries with him. Mr Neve had had considerable training in relation to his teaching obligations and the need to safeguard children, and was familiar with the School's policies, which referred to all pupils (not just his own pupils). Mr Neve had also signed a safeguarding certificate one month prior to his communications with Child X. Despite this, Mr Neve continued to have a series of wholly inappropriate communications with Child X”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Neve has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3 year review period.

I have considered the panel's comments “The panel considered that Mr Neve's actions were serious but considered that, with the appropriate demonstration of insight and contrition; there may be a time in the future that he would be able to contribute once again to the teaching profession.”

I have considered whether a 3 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, the following factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are a failure to take appropriate steps to safeguard Child X and the lack of insight.

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

This means that Mr Darren Neve 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 30 April 2024, 3 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 Neve remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'SABuxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 26 April 2021

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