



Teaching  
Regulation  
Agency

# **Mr Andrew Holt: Professional conduct panel outcome**

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

**June 2022**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	7
Documents	7
Witnesses	8
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	15
Decision and reasons on behalf of the Secretary of State	18

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

<b>Teacher:</b>	Mr Andrew Holt
<b>Teacher ref number:</b>	9844741
<b>Teacher date of birth:</b>	9 March 1977
<b>TRA reference:</b>	19371
<b>Date of determination:</b>	24 June 2022
<b>Former employer:</b>	Honiton Community College, Devon

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 23 to 24 June 2022 by way of a virtual hearing, to consider the case of Mr Andrew Holt.

The panel members were Mr David Raff (lay panellist – in the chair), Ms Caroline Downes (lay panellist) and Mr Aidan Jenkins (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Heather Andersen of Browne Jacobson LLP solicitors.

Mr Holt was not present and was not represented.

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

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 April 2022.

It was alleged that Mr Holt was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as senior vice principal at Honiton Community College between 9 January 2000 and 7 May 2020:

1. He supplied and/or funded a class A controlled substance to Individual A in circumstances where:
  - a) he knew or ought to have known that she was vulnerable;
  - b) he knew or ought to have known that Individual A had a dependency on that substance and/or was likely to 'relapse' if she used that substance;
  - c) he was engaged in a relationship with Individual A whereby he exchanged benefits (included but not limited to money and/or controlled substances) wholly or partly in return for sexual activity with her;
  - d) he encouraged and/or facilitated, including through the purchase of condoms and lingerie, Individual A to engage in sex work.
2. His conduct as may be found proven at Allegation 1 was sexually motivated.

Mr Holt did not provide a substantive response to the allegations, nor did he make any admissions. He did provide a written statement (as referred to below), which the panel took into account.

## Preliminary applications

### Application to admit an additional document

Although Mr Holt did not attend the hearing, he provided an additional document for the panel to consider at the hearing.

Mr Holt's document was a written statement containing information relating to: his reasons for not attending the hearing; his lack of communication; the hearing being held in private; the impact on him; and information relating to the allegations against him.

The document had not been served in accordance with the requirements of paragraph 5.37 of Teacher Misconduct: Disciplinary Procedures for the Teaching Profession May 2020 (the 'Procedures'). The panel understood that Mr Holt had sent the statement to the TRA/presenting officer the day before the hearing. Therefore, the panel was required to

decide whether the document should be admitted under paragraph 5.34 of the Procedures.

The panel was not provided with a copy of the document but heard representations from the presenting officer in respect of the document and its content.

The panel noted that Mr Holt had been given sufficient time to provide documents in connection with this matter, and had previously indicated to the presenting officer that such documents would be forthcoming. However, based upon the presenting officer's representations, the panel considered that the additional document was relevant and that it would be in the interests of justice for it to be admitted, particularly as it contained evidence relating to Mr Holt's non-attendance at the hearing. Accordingly, the document was added to the bundle and the panel was provided with a copy to consider.

#### Application to proceed in the absence of the teacher

Mr Holt was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Holt.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to within it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Holt in accordance with the Procedures. The panel was satisfied that Mr Holt was aware of the hearing given the content of the statement he provided.

The panel concluded that Mr Holt's absence was voluntary.

The panel noted that Mr Holt had stated "*I would be open to the idea of an adjournment, I am due back in the UK in October*".

The panel also considered correspondence between Mr Holt and Browne Jacobson, the presenting officer firm, and the TRA. On 12 August 2020 Mr Holt requested an extension to 7 September 2020 to provide Browne Jacobson with information relating to this matter, which was agreed. On 7 September 2020, Mr Holt contacted Browne Jacobson to inform them that his response would be with them on 9 September 2020. On 9 September 2020 Mr Holt contacted Browne Jacobson and said that he had been unwell and unable to meet with his trade union representative and so his response would be with them on 11 September 2020. On 9 September Browne Jacobson informed Mr Holt that he would be provided with further information in due course and would therefore be given a further deadline to submit his response.

On 25 September 2020 Mr Holt emailed Browne Jacobson stating that his response was attached to his email, however there was no attachment to his email. Browne Jacobson requested the attachment on two occasions, on 25 and 28 September 2020, but it was not provided.

On 18 May 2021, Mr Holt requested an extension to 24 May 2021 to provide his response, which was agreed. On 25 May 2021 Mr Holt wrote to Browne Jacobson and stated: *“My legal team are amending my statement and this will be with you within 48 hours.”* However, the statement was not provided.

The panel was provided with further evidence that the TRA/Browne Jacobson had attempted to contact Mr Holt on several occasions. The panel noted that Mr Holt had not substantively responded, save to confirm (on 6 April 2022) that documents should be sent to him by email and not by post.

Therefore, whilst the panel acknowledged Mr Holt’s reference to an adjournment, potentially to October 2022, the panel was not persuaded that an adjournment would procure Mr Holt’s attendance at a hearing. In particular, the panel considered that Mr Holt had, on several occasions, requested extensions but still failed to provide information or properly engage in the proceedings. The panel considered that Mr Holt had had ample time to request an adjournment at an earlier stage, yet had not done so.

In his statement, Mr Holt referred to having anxiety and to the process having an adverse impact on his mental health. However, there was no medical evidence before the panel that Mr Holt was unfit to attend the hearing.

The panel was also mindful of the effect on the TRA’s witness, Individual A, of any delay and appreciated that it may not be an easy process for Individual A to give evidence in respect of this matter.

The panel considered the comments in the *Adeogba* case regarding the burden on registered professionals to engage with their regulator such that they should not be able to effectively frustrate proceedings by not attending. The panel concluded that it was in the public interest for the hearing to take place.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Holt was neither present nor represented.

#### Application for the hearing to be heard in private

The panel considered a brief application from Mr Holt (contained in his written statement) that the hearing should be heard in private in order to protect his family, including his children.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer submitted that the hearing should take place in public.

The panel decided not to grant Mr Holt's application. The panel was aware that, under the Teachers' Disciplinary (England) Regulations 2012 it had the ability to exclude the public from all or part of a hearing where: (a) it appears to the panel to be in the interests of justice to do so; or (b) where the teacher requests that the hearing (or part of it) should be heard in private and the panel does not consider it to be contrary to the public interest to do so. However, the panel was mindful that there is a presumption that the hearing would take place in public.

The panel took account of relevant case law in respect of Mr Holt's application, including *Legal Aid Board Ex p Kaim Todner* and *Paul William Miller v General Medical Council* and the general principle that parties and witnesses to proceedings have to accept the risk of embarrassment and consequential loss and damage as a result of giving evidence at a public hearing.

The panel considered Article 6 of the European Convention on Human Rights and Paragraph 5.87 of the Procedures and understood that even where a hearing is heard in private, the panel is required to announce its decision in public.

Having considered all of the above, the panel concluded that it would be contrary to the public interest to agree that the entirety of the hearing should be heard in private. The panel noted that Mr Holt did not appear to have previously raised this issue. Whilst the panel understood that Mr Holt was seeking to protect his children, it did not consider that this was a sufficiently compelling reason to hold this matter in private. The panel was of the view that any particularly sensitive details could be redacted from the decision.

## Summary of evidence

### Documents

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

- Section 1: Anonymised persons list – page 5
- Section 2: Notice of hearing – pages 7 to 14
- Section 3: Teaching Regulation Agency witness statements – pages 16 to 19
- Section 4: Teaching Regulation Agency documents – pages 21 to 67
- Section 5: Correspondence with teacher – pages 69 to 122

In addition, the panel agreed to accept the following:

- Mr Holt's statement, referred to above.

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

## **Witnesses**

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

- Individual A

## **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 Holt was employed by Honiton Community College ('the College') as Senior Vice Principal from 9 January 2000 to 7 May 2020.

On 29 April 2020 an individual contacted the College anonymously and made a number of allegations against Mr Holt. The correspondence included screenshots of text messages, some of which appeared to have Mr Holt's college mobile phone number at the top of the message.

The College informed the LADO. The LADO and Devon and Cornwall Police informed the College that they would not be taking any action against Mr Holt.

On 7 May 2020, the College held a management meeting in order to determine the most appropriate course of action. The allegations were put to Mr Holt. Initially he denied the allegations. He later said that some of them might be true and then stated that he wished to tender his resignation as his position with the College was untenable.

## **Findings of fact**

The findings of fact are as follows:

### **1. You supplied and/or funded a class A controlled substance to Individual A in circumstances where:**

The panel considered the witness statement and oral evidence of Individual A; Mr Holt's written statement; and the bundle of documents before it.



In the course of listening to her oral evidence, the panel was impressed by her resilience and the way in which she had taken steps to positively change her life in recent years.

By way of background, Individual A explained that she met Mr Holt through a 'sugar daddy' website called 'Seeking Arrangements'. Individual A stated that she and Mr Holt had decided upon an arrangement whereby Mr Holt would provide her with clothes, food and money for her rent. As part of the arrangement, there was an expectation that Individual A and Mr Holt would meet once a week, which Individual A stated then became more frequent, and there were also weekends away. Individual A said: *"You would have to have sex, but I could do, or not do, anything I wanted"*.

The panel first considered whether Mr Holt supplied and/or funded a class A controlled substance to Individual A. There was no evidence before the panel that Mr Holt supplied Individual A with a class A controlled substance. Individual A told the panel that Mr Holt had never supplied her with a class A controlled substance. The panel therefore turned its mind to consider whether Mr Holt funded a class A controlled substance to Individual A.

Individual A's evidence was that, around 2 years after the arrangement with Mr Holt began, she and Mr Holt started taking cocaine together. Individual A explained that she had been taking drugs on her own and Mr Holt wanted to try them. At first, they took cocaine once every 2 weeks, but it became more frequent and was once or twice a week. Individual A stated that they mostly took cocaine at weekends but, later on, it would be towards the weekends, perhaps even on a Thursday. She said that they once took 6 grams of cocaine between them (3 grams each). She also said that Mr Holt once spent £600 on drugs, although that was partly because the drug dealer had firstly charged her £300 for paracetamol so Mr Holt gave her another £300 for cocaine.

Individual A stated that Mr Holt would give her money for drugs and she would then arrange for the drugs to be provided. Individual A explained that she had her drug use under control until Mr Holt began providing money for drugs.

In his written statement, Mr Holt denied providing Individual A with drugs, but made no comment as to whether he funded the purchase of drugs.

On examination of the evidence before it, the panel was satisfied that Mr Holt gave Individual A money to fund the purchase of a class A controlled substance, namely cocaine.

**a) you knew or ought to have known that she was vulnerable;**

Individual A described herself as being very vulnerable when she met Mr Holt and during the course of their arrangement. She said that, at the time they met she was young, around 20 years old, and very gullible. Individual A provided the panel with a candid overview of her personal history. She explained that [REDACTED]. At the time Individual

A and Mr Holt met, Individual A said that she had moved out of her mother's house and was living alone.

Individual A told the panel that Mr Holt was aware of her background from an early stage in their relationship. She said that he knew everything and that she had opened up to him because she was looking for stability and friendship.

The panel found Individual A's oral evidence to be credible and considered that she had been open with the panel. The panel was of the view that, in the context of Individual A and Mr Holt's relationship, it was likely that she was even more open with him.

The panel therefore concluded that Mr Holt knew, or reasonably ought to have known that Individual A was vulnerable. The panel found allegation 1a) proven.

**b) you knew or ought to have known that Individual A had a dependency on that substance and/or was likely to 'relapse' if she used that substance;**

In her oral evidence, Individual A told the panel that she had been taking drugs (including cocaine) before she met Mr Holt. She felt that she used to have control over taking drugs (partly as a result of her limited financial means) and would take them because she wanted to, rather than because she needed to. However, this changed when she started taking cocaine with Mr Holt.

Individual A explained that the availability of funds from Mr Holt to buy cocaine led to a greater dependency for her. She was able to buy cocaine more frequently and they began taking larger amounts together on a regular basis as outlined above. She felt that it became a "need" rather than a "want". In her written statement Individual A said that she became dependent on drugs and felt she had to see Mr Holt because of the drugs, whereas she felt he was hoping to have sex with her.

Individual A submitted that she told Mr Holt [REDACTED] and wanted to escape that way of life, but that Mr Holt was aware of her drug dependency and she believed he would message her when he knew she would be craving drugs.

The panel was provided with a screenshot email exchange between Mr Holt and Individual A on 27 April 2020 where they discussed meeting after some time apart. Individual A stated: *"I have started craving not long ago I don't know if it's a good idea to meet x"*. In response to this, Mr Holt stated: *"Your choice. Best I stay away while you go through withdrawal or would you like me to come down?"*

In his written statement, Mr Holt stated that he had never pressured Individual A into taking drugs. The panel took the view that this was not the point in issue; if Individual A had a dependency on drugs it was unlikely that she would need to be pressured into taking them.

Within the statement, Mr Holt also suggested that the screenshots of correspondence contained within the bundle might be false. However, he did not provide any evidence indicating that the screenshots were false, nor did he provide an account of what he asserted was discussed in such correspondence. The panel was of the view that it was more likely than not that the screenshots were accurate.

The panel concluded that Mr Holt knew, or ought to have known, that Individual A had a dependency on cocaine and was likely to relapse if she used that substance. This was on the basis that: (a) Mr Holt had taken cocaine with Individual A on a regular basis and (b) the language used in the email exchange referred to above suggested that Mr Holt understood Individual A's dependency and potential to relapse, given the use of words such as "withdrawal" and "craving".

The panel found allegation 1b) proven.

**c) you were engaged in a relationship with Individual A whereby you exchanged benefits (included but not limited to money and/or controlled substances) wholly or partly in return for sexual activity with her;**

As referred to above, Individual A explained that she had an arrangement with Mr Holt whereby he would provide her with clothes, food and money. As part of the arrangement, they also engaged in a sexual relationship, met up and travelled together.

It was clear to the panel that Individual A's view was that Mr Holt provided her with money and other benefits in exchange for sex. Individual A told the panel that, whilst she did have a sexual relationship with Mr Holt, it did not persist throughout the entirety of the arrangement; towards the end she did not want to have sex with Mr Holt but they continued to meet up and take drugs together.

In his written statement, Mr Holt also referred to there being a "sexual stage" of their relationship and acknowledged that, as the relationship progressed, Individual A no longer wanted to have sex with him. Mr Holt denied that he had paid for sex; he said he made it clear that the money was not for sex and he carried on the relationship when it was no longer sexual.

The panel accepted that there were periods during the arrangement where there was no sexual relationship. However, it did not consider that this fact precluded it from finding the allegation proven. It was clear to the panel that benefits (including money) were exchanged for sex at some point during the arrangement, although the panel did not find that Mr Holt provided Individual A with controlled substances.

The panel therefore concluded that Mr Holt engaged in a relationship with Individual A whereby he exchanged benefits (including but not limited to money) wholly or partly in return for sexual activity with her

**d) you encouraged and/or facilitated, including through the purchase of condoms and lingerie, Individual A to engage in sex work.**

Individual A explained that she undertook sex work prior to and during her arrangement with Mr Holt.

In her written statement she said: “[Mr Holt] never tried to talk me out of sex work. He encouraged it. He said if you want to do it, that’s cool. I would talk of the money side. He would get me lingerie for escorting. A couple of times I asked for £20 to buy condoms and he would provide that.”

In her oral evidence Individual A alleged that Mr Holt would pay for accommodation, and drive her there, so that she could undertake sex work. This was not mentioned in Individual A’s written statement.

The panel found Individual A’s evidence to be inconsistent in this regard.

The panel was mindful that it had been asked to decide whether Mr Holt had “encouraged and/or facilitated” Individual A engaging in sex work.

The panel did not consider Mr Holt encouraged and/or facilitated sex work simply by not attempting to talk Individual A out of undertaking sex work, or stating “if you want to do it, that’s cool”. Furthermore, whilst the panel accepted that, as part of their arrangement, Mr Holt gave Individual A money and bought her things, it did not follow that doing so meant that Mr Holt was encouraging or facilitating sex work. Mr Holt might not have appreciated that the money or gifts were being used for sex work.

On balance, the panel did not consider that there was sufficient evidence to find allegation 1d) proven on the balance of probabilities. The panel found allegation 1d) not proven.

In summary, the panel found allegations 1a), 1b) and 1c) proven. The panel did not find allegation 1d) proven.

**2. Your conduct as may be found proven at Allegation 1 was sexually motivated.**

The panel considered whether Mr Holt’s conduct at allegations 1(a), 1(b) and 1(c) was sexually motivated.

The panel’s attention was drawn to section 78 of the Sexual Offences Act 2003 and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that “A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship”. The panel further

considered that in *Haris*, the High Court indicated that the criteria in *Basson* sets the bar too high. Foster J stated:

*“in the present case it is in my judgement clear beyond argument that the intimate touching of Patients A and B was sexual and that answering a question as to the motivation of the toucher, the only available answer, is yes, the motivation must have been sexual[...].”*

*“Of course, there are significant differences in the context and the analogy is not exact, but it does seem to me that pleading ‘sexual motivation’ is unhelpful. Similarly to look for ‘sexual gratification’ may be misleading or overcomplicating. It is irrelevant to the actions which the GMC would wish to proscribe whether or not the perpetrator was sexually ‘gratified’ at all – whether before, after or during the act in question. Gratification, as with ‘pursuit of a relationship’ are, pace the analysis of Mostyn J in *Basson*, not helpful in my judgement in promoting the public interests at stake here. These criteria set the bar too high and I respectfully disagree that they represent the law”.*

*“Had the touching been pleaded as being ‘sexual’ and had the Tribunal asked themselves whether in all the circumstances, which includes the absence of accident[...] absence of consent [...] and any other clinical or other proper justification [...] then it seems to me impossible they would have reached any conclusion other than that the touching was sexual”.*

On examination of the documents before the panel and consideration of the wider documentary and oral evidence, the panel concluded that Mr Holt’s conduct as set out in allegations 1a), 1b) and 1c) was sexually motivated. The panel was of the view that a sexual relationship was the key and original motivation for Mr Holt’s conduct. It noted that there was a sexual relationship between Mr Holt and Individual A which was part of their arrangement (albeit not throughout the entirety of the arrangement). The panel therefore found that Mr Holt’s conduct as found proven at allegations 1a), 1b) and 1c) was in pursuit of a sexual relationship and/or was sexually motivated.

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

Having found allegations 1a), 1b), 1c) and 2 proven, 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 Holt, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Holt 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 democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- 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 Holt amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel was aware that there had not been a criminal conviction in this matter, however it considered whether Mr Holt's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of possession (including for personal use) of class A drugs was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting and considered the legal advice provided to it in this regard, including the case of *SRA v Beckwith*. The panel was aware that misconduct outside the education setting will only amount to unacceptable professional conduct 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.

The panel was of the view that Mr Holt's conduct did affect the way he fulfilled his teaching role. It heard evidence from Individual A suggesting that Mr Holt may have taken drugs and then attended school the following day. It also took into account the notes of the College's management meeting with Mr Holt during which he admitted that he had not been very good at teaching during the two to three years leading up to the allegations. He also said that he had made mistakes and was having a rough time. The panel considered that Mr Holt's conduct could lead to pupils being exposed to or influenced by the behaviour in a harmful way.

Accordingly, the panel was satisfied that Mr Holt 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 that they behave.

The panel was aware that misconduct outside the education setting will only amount to conduct that may bring the profession into disrepute if the conduct displayed is of a serious nature and would likely have a negative impact on the public's perception of the individual as a teacher, therefore bringing the teaching profession into disrepute.

The panel considered that the findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on Mr Holt's status as a teacher, potentially damaging the public perception. In particular, the panel felt that the fact that Individual A was a vulnerable individual, coupled with the 'sugar daddy' arrangement with Individual A which included the funding of a class A controlled substance, would certainly damage the public's perception of Mr Holt and bring the teaching profession into disrepute.

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

Having found the facts of allegations 1a), 1b), 1c) and 2 proved, the panel further found that Mr Holt's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

In considering whether to recommend to the Secretary of State that a prohibition order 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.

The panel were aware that 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 the following to be relevant in this case: the safeguarding and wellbeing of pupils and the protection of other members of the public/the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct;

and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel's findings against Mr Holt were serious and involved funding a class A controlled substance to Individual A in circumstances where she was vulnerable and had a drug dependency and entering into an arrangement with Individual A whereby he exchanged benefits (including money) in return for sexual activity. As such, there was a strong public interest consideration in that the public confidence in the profession could be seriously weakened if conduct such as that found against Mr Holt was not treated with the utmost seriousness when regulating the conduct of the profession.

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

Given 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 Holt.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature;

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

The panel found that Mr Holt's actions were deliberate. Furthermore, there was no evidence to suggest that Mr Holt was acting under extreme duress.

No evidence was submitted to attest to Mr Holt's previous history as a teacher. As such, there was nothing before the panel which demonstrated that Mr Holt had exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

The panel took account of Mr Holt's written statement, within which he referred to the impact on his life, stated that he was ashamed of his actions and acknowledged that he



had let himself, his family and his profession down. Mr Holt further stated that his mental health has suffered severely and that he has experienced depression and anxiety, which has been exacerbated by this process, although he did not provide any medical evidence to attest to this.

However, the panel did not find this to be material or compelling mitigation evidence. In particular, the panel took a dim view of the emphasis Mr Holt placed on the impact on him and his personal life and the complete absence of any appreciation of the impact on Individual A, his colleagues and pupils at the College. The panel did not consider that Mr Holt demonstrated any insight or remorse.

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 Holt 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 Holt. The following factors were significant in the formation of that opinion: (a) Mr Holt's lack of insight and remorse; (b) the fact that Mr Holt funded a class A controlled substance to Individual A when she was vulnerable and had a drug dependency; (c) Mr Holt's arrangement with Individual A whereby he provided benefits (including money) to Individual A in exchange for sexual activity; and (d) there was evidence to suggest that Mr Holt had engaged in taking a class A controlled substance.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found Mr Holt had not committed any of the behaviours set out at paragraph 50 of the Advice. In reaching this conclusion, the panel considered that, whilst Mr Holt had engaged in sexual misconduct, it did not amount to serious sexual misconduct per se, particularly given that his arrangement with

Individual A was consensual. The panel did not believe there were any other factors that should result in there being no review period.

The panel went on to consider the length of the review period. The Advice indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel considered the list of these behaviours at paragraph 51 of the Advice and found the possession (including for personal use) of any class A drug to be relevant.

The panel decided that a longer review period would be appropriate given its findings above in respect of paragraph 51 of the Advice and on the basis that there was no evidence before the panel that Mr Holt had taken steps to address his conduct.

As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a five year review period. The panel was of the view that five years was a sufficient period of time for Mr Holt to reflect on his actions, gain insight and remorse into his conduct and demonstrate a sustained positive change.

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

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven including 1d. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Holt 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 democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

- 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 Holt fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they involved funding a class A controlled substance to Individual A in circumstances where she was vulnerable and had a drug dependency and entering into an arrangement with Individual A whereby Mr Holt exchanged benefits (including money) in return for sexual activity.

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 Holt, and the impact that will have on the teacher, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel took account of Mr Holt's written statement, within which he referred to the impact on his life, stated that he was ashamed of his actions and acknowledged that he had let himself, his family and his profession down." The panel has also commented that "The panel took a dim view of the emphasis Mr Holt placed on the impact on him and his personal life and the complete absence of any appreciation of the impact on Individual A, his colleagues and pupils at the College. The panel did not consider that Mr Holt demonstrated any insight or remorse." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found the following to be relevant in this case: the safeguarding and wellbeing of pupils and the protection of other members of the public/the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict." I am particularly mindful of the funding and use of class A drugs in this

case, along with sexual misconduct 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 Holt himself and the panel comment “No evidence was submitted to attest to Mr Holt’s previous history as a teacher. As such, there was nothing before the panel which demonstrated that Mr Holt had exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments, “The panel decided that the public interest considerations outweighed the interests of Mr Holt. The following factors were significant in the formation of that opinion: (a) Mr Holt’s lack of insight and remorse; (b) the fact that Mr Holt funded a class A controlled substance to Individual A when she was vulnerable and had a drug dependency; (c) Mr Holt’s arrangement with Individual A whereby he provided benefits (including money) to Individual A in exchange for sexual activity; and (d) there was evidence to suggest that Mr Holt had engaged in taking a class A controlled substance.

Although the conduct took place outside the education setting, the panel found it did affect the way Mr Holt fulfilled his teaching role, particularly the finding involving class A drugs. Mr Holt’s conduct could lead to pupils being exposed to or influenced by his behaviour.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Holt has made and is making 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 full 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 5 year review period.

I have considered the panel's comments "As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a five year review period. The panel was of the view that five years was a sufficient period of time for Mr Holt to reflect on his actions, gain insight and remorse into his conduct and demonstrate a sustained positive change."

The panel also said "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found Mr Holt had not committed any of the behaviours set out at paragraph 50 of the Advice. In reaching this conclusion, the panel considered that, whilst Mr Holt had engaged in sexual misconduct, it did not amount to serious sexual misconduct per se, particularly given that his arrangement with Individual A was consensual. The panel did not believe there were any other factors that should result in there being no review period."

I have considered whether a 5 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 allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings, involving class A drugs, sexual misconduct and the lack of either insight or remorse.

I have considered whether a longer or no review period is more appropriate given the serious findings in this case, although the findings involved funding and use of class A drugs, I could draw no evidence from the panel of the supply of class A drugs, and although Individual A was a vulnerable adult the arrangement between both parties was found to be consensual.

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

**This means that Mr Andrew Holt 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 1 July 2027, 5 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 Holt remains prohibited from teaching indefinitely.

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

Mr Andrew Holt 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 'S Buxcey', with a stylized, cursive script.

**Decision maker: Sarah Buxcey**

**Date: 27 June 2022**

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