



National College for
Teaching & Leadership

Mr Jamie Hughes: Professional conduct panel outcome

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

March 2018

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

Teacher: Mr Jamie Hughes
Teacher ref number: 1265698
Teacher date of birth: 24 June 1992
NCTL case reference: 15894
Date of determination: 6 March 2018
Former employer: The Phoenix Collegiate, West Bromwich

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 5 to 6 March 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Jamie Hughes.

The panel members were Mr Martin Pilkington (lay panellist – in the chair), Mrs Kathy Thomson (teacher panellist) and Mr Mark Tweedle (teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP, solicitors.

Mr Hughes was present and was represented by Mr Lawrence Shaw of NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 October 2017.

It was alleged that Mr Hughes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst working as a teacher of physical education at Phoenix Collegiate ("the School"):

1. He engaged in inappropriate communications with a child in or around April 2016, including by;
 - a. exchanging one or more messages with Child A via text and/or Snapchat;
 - b. engaging in a phone call with Child A on one occasion or more;
 - c. sending Child A a photograph of himself on at least one occasion;
2. His communication with Child A as may be found at 1.a – 1.c above was:
 - a. flirtatious;
 - b. sexually motivated.

Mr Hughes admitted the facts of allegation 1. He denied allegation 2 in its entirety.

Mr Hughes denied that his conduct amounted to unacceptable professional conduct but admitted, in relation to allegation 1, that his conduct was such that it may bring the profession into disrepute.

C. Preliminary application

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Proceedings – pages 5 to 11

Section 3: NCTL witness statements – pages 13 to 16

Section 4: NCTL documents – pages 18 to 106

Section 5: Teacher documents – pages 108 to 112

In addition, the panel admitted a witness statement from Mr Hughes that was served in advance of the hearing and which was added to the bundle at pages 113 to 123.

The panel members confirmed that they had read all of the documents presented to them in advance of the hearing.

Witnesses

The panel heard oral evidence from the mother of Child A who was called by the presenting officer.

The panel also heard oral evidence from Mr Hughes.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and reached a decision.

It accepted the legal advice provided.

Throughout the relevant time for the purposes of these proceedings Mr Hughes was employed part-time as a PE teacher at the Phoenix Collegiate ("the School").

He commenced employment at the School in September 2015 as a NQT (newly qualified teacher), initially on a two-day contract.

In April 2016, a complaint was made to the police by the mother of Child A regarding Mr Hughes' conduct. Child A was aged 14 at the time. The complaint concerned communications between Mr Hughes and Child A.

Child A was not a pupil at the School. She was a student at the (redacted) Dance Academy ("the Academy") which is where she came to know Mr Hughes.

Mr Hughes was not an instructor or teacher at the Academy. Rather, he had been a student at the Academy as a child and had maintained links into adulthood. The panel heard that whilst he held no formal role at the Academy, he helped out on a regular basis, in particular due to a shortage of male dancing leads. He also assisted with technological matters. Prior to April 2016, he had been attending the Academy regularly. In his evidence to the panel, Mr Hughes stated that in this period he partnered female dancers and assisted instructors with elements of the class. However, he *"did not lead or plan any lessons and was always being overseen by a qualified dance teacher throughout any lessons I assisted with"*.

As a result of the complaint a police investigation commenced and Mr Hughes was suspended from his position at the School on 19 April 2016. A 'Position of Trust' meeting subsequently took place on 26 April 2016 under the Sandwell MBC Safeguarding Children's Board Safeguarding procedure.

Mr Hughes was ultimately notified that no criminal investigation was being pursued and the matter was progressed in accordance with the School's disciplinary procedures. An investigating officer was then appointed and Mr Hughes was invited to, and attended, a disciplinary investigation meeting on 19 September 2016.

Prior to the end of the School disciplinary process, Mr Hughes tendered his resignation by letter dated 29 November 2016 and his conduct was referred to the National College.

Whilst the panel had regard to documents within the hearing papers concerning the investigations undertaken by the police and the School, the panel confirms that it has not relied upon any findings made, or opinions expressed, during those investigations and that it has formed its own, independent view of the allegations based on the evidence presented to it.

There was also reference, within the papers and during the oral evidence, to communications Mr Hughes may have had with other students from the Academy. This formed no part of the allegations and there was no suggestion that Mr Hughes has behaved inappropriately in this regard. This evidence was accordingly disregarded by the panel.

Findings of fact

Our findings of fact are as follows:

1. He engaged in inappropriate communications with a child in or around April 2016, including by;

a. exchanging one or more messages with Child A via text and/or Snapchat;

The panel heard evidence from Child A's mother who stated that she first became aware of messages being exchanged between Child A and Mr Hughes on Facebook in or around April 2014. Child A was aged 12 at this time.

Child A's mother stated that the content of the messages predominantly concerned gossip relating to the Academy and impending examinations.

However, her evidence was that she found certain aspects concerning. She gave the example of messages from Mr Hughes which described what he was wearing and when he was going to the shower.

As a consequence she took action in relation to Child A's social media accounts and instructed her to cease communications with Mr Hughes. She did not raise the issue with Mr Hughes directly.

On 13 April 2016, Child A's mother discovered further messages with Mr Hughes on Child A's phone. Her understanding was that a friend of Child A had added Mr Hughes to Child A's Snapchat account. She noted that messages had started to be exchanged on 11 April 2016. Mr Hughes was saved as "Harry Potter" on Child A's phone.

Child A's mother stated in her witness statement that hundreds of messages were exchanged. Child A's mother commented that the *"content of the messages was largely immature and looked to me as though [Child A] was communicating with a child. Most of the messages were innocent and about Disney films. However, some of the messages made for uncomfortable reading."* Screenshots of some of the messages taken at the time by Child A's mother were presented to the panel.

Unfortunately, the National College had been unable to provide the panel with the entirety of the messages exchanged. The sample messages were those provided to the National College by the mother of Child A.

Mr Hughes accepted that he exchanged, *"hundreds of messages"* with Child A and that the messages reproduced within the bundle represented only a small proportion of the total correspondence that was exchanged over a period of approximately one week.

There was accordingly, no dispute as to the fact that messages were exchanged with Child A via both text and/or Snapchat.

There was a factual dispute in relation to certain messages which Child A's mother stated she had sight of but which were not evidenced. In particular, she stated that Mr Hughes had asked Child A in a message whether her mother knew that he was messaging Pupil A and, if so, she would not like him doing so. Child A's mother also stated in her witness statement that in another message Mr Hughes made reference to tying Child A's arms above her head. Mr Hughes told the panel he had no recollection of sending these particular messages.

In any event, Mr Hughes accepted that his conduct in exchanging messages with Child A was inappropriate, stating that *"in the context of my position as a teacher it was inappropriate and professionally unacceptable"*.

The panel agreed. Whilst Mr Hughes did not teach Child A, it was incumbent on him to maintain professional standards and appropriate professional boundaries at all times. He had failed to do so.

Taking account of his professional status, the age gap between Mr Hughes and Child A, the clear disparity in terms of their respective statuses and his role at the Academy, the panel concluded that the messages were inappropriate in terms of their frequency,

content and the circumstances in which they were sent. Messages were exchanged first thing in the morning and last thing at night. Indeed Child A's mother's evidence was that her perception was that Mr Hughes appeared to be the first person to message Child A in the morning and the last person to do so at night. There was also concern about the sheer volume of messages within a short period.

The style and language of the messages sent by Mr Hughes was also inappropriate. They routinely contained multiple kisses, seventeen in one message, and in one instance Mr Hughes sent a message asking if he was 'special', followed by a heart symbol/emoji. There were numerous inappropriate comments, for example a reference to Child A's hair being soft "*when it hits [Mr Hughes] in the face*". In another message, Mr Hughes referred to Child A as "*miss amazingest person in the whole planet*" (sic).

For these reasons and given Mr Hughes' admission, the panel found allegation 1.a proven.

b. engaging in a phone call with Child A on one occasion or more

Child A's mother stated that during her check of Child A's phone she noticed that, in addition to the messages exchanged, there had been phone calls and FaceTime calls between Mr Hughes and Child A, one of which had lasted over an hour.

Mr Hughes' evidence was that there was only one telephone call which he accepted had been lengthy. In his witness statement he stated that:

"I recall Child A and I held a telephone conversation on a Saturday about four days after I received the Snapchat request and we spoke in detail about what had happened at the dance class earlier that day. I cannot recall who initiated the conversation."

In oral evidence, Mr Hughes gave an account of what he could recall was discussed during this call.

Whilst there was a dispute as to how many calls had taken place, which the panel was unable to resolve, it was accordingly accepted that Mr Hughes had engaged in at least one phone call with Child A.

Mr Hughes accepted that, by doing so, he had engaged in inappropriate communication with a child. The panel agreed and therefore found allegation 1.b proven.

c. sending Child A a photograph of yourself on at least one occasion

Child A's mother stated that, after she discovered the messages, she kept hold of Child A's phone. Whilst the phone was in Child A's mother's possession it received a photograph from Mr Hughes on Snapchat which was a 'selfie' of him lying down on a bed. The photograph showed only his head and bare torso and carried a caption across it

stating "Are you trying to paralyse me miss?" Whilst Child A's mother had accessed the photograph in the morning, she stated in oral evidence that it had been sent to Child A late the previous night. She took a screenshot of the photograph which was included within the papers. The panel was told that, had she not done so, the photograph would have disappeared due to the nature of Snapchat.

Mr Hughes accepted that he had sent this photograph to Child A via Snapchat. He also accepted in oral evidence that he had used Snapchat to send other picture messages, although these were not in evidence.

During the School's investigation, Mr Hughes could not provide an explanation for the caption written across the photograph. However, in his witness statement in these proceedings he stated:

"... I recall we had been discussing dancing too close to the window at the [Academy] (which is on the third floor) and the possibility of falling out, or even Child A pushing me out of the window and the comment about "are you trying to paralyse me miss?" was in relation to that joke. The exchange was intended to be humorous."

Child A's mother provided an alternate explanation. In oral evidence she stated that she asked Child A about the caption and Child A had stated that it related to an earlier conversation in which she had discussed with Mr Hughes exercises for her back.

Mr Hughes admitted that, by sending photographs to Child A, he had engaged in inappropriate communication with a child.

The panel agreed that Mr Hughes' conduct was certainly inappropriate and was such that he had failed to maintain professional standards and appropriate professional boundaries. Mr Hughes should not have sent any photographs of himself to Child A given his status as a teacher and the disparity in their ages. With reference to the specific example included within the evidence, the panel considered that this was very troubling given its nature and Child A's age. In oral evidence, Mr Hughes accepted that, outside of the context in which he says the picture was sent, it could be perceived as being sexually suggestive. He was unable to provide a satisfactory explanation to the panel as to his motivation for sending the particular photograph evidenced.

The panel therefore found allegation 1.c proven.

2. Your communication with Child A as may be found proven at 1.a – 1.c above was:

a. flirtatious

In light of the panel's findings in relation to allegation 1, it went on to consider whether Mr Hughes' communications with Child A were flirtatious.

It had regard to the following dictionary definition of 'flirtatious' referred to within the legal advice, namely:

"Behaving in such a way as to suggest a playful sexual attraction to someone"

The presenting officer put forward a definition that the ordinary meaning of 'flirtatious' could be taken as playful behaviour but with no serious intentions.

The presenting officer submitted that, taking into account of all of the circumstances, Mr Hughes' conduct was such that he did behave in a flirtatious manner in his communications with Child A.

This was denied by Mr Hughes. He did not accept that there was ever any intent on his part to act flirtatiously.

Having carefully considered all of the evidence, with reference to the conduct found proven in relation to allegation 1, the panel concluded that Mr Hughes had communicated with Child A in a manner that could properly be described as flirtatious, including but not limited to:

- messages seeking reciprocation, including approval and/or sympathy from Child A;
- the use of symbols/emojis in messages to symbolise affection;
- the use of kisses; and
- expressions of regard and/or flattery, for example comments relating to Child A's hair.

In arriving at this conclusion, the panel placed particular emphasis upon the definition of 'flirtatious' put to it referring to behaviour suggesting a playful attraction.

For these reasons, the panel therefore found allegation 2.a proven.

b. sexually motivated

In light of the panel's findings in relation to allegation 1, it went on to consider whether Mr Hughes' actions were sexually motivated.

The panel was invited by the presenting officer to conclude that the appropriate inference to draw from all the circumstances was that Mr Hughes' actions were sexually motivated.

Mr Hughes denied the allegation. He denied having any improper motive and stated that he had always regarded the students at the Academy, including Child A, as friends. He stated that he was not sexually attracted to Child A. In his witness statement to the panel, he stated that *"it did not occur to me at the time we began to dance together that she was anything other than a dancing partner and friend through dancing"*.

Whilst he accepted it was foolish, with hindsight, to have used pseudonyms in the communications he denied that this was an attempt to conceal matters and asserted it was simply a consequence of a shared interest in the Harry Potter books.

The panel took careful account of Mr Hughes' denial that he had any sexual feelings towards Child A and that he was not sexually motivated. It also had careful regard to his prior good history and the fact that he was a person of otherwise good character.

However, the panel considered certain elements of the evidence to be troubling.

The panel's findings in relation to allegation 1 were such that Mr Hughes had engaged in inappropriate behaviour.

The most egregious example of his conduct was the photograph sent by Mr Hughes which was a matter of serious concern. As already noted, Mr Hughes was unable to provide a satisfactory explanation to the panel as to his motivation for sending the photograph.

The precise nature of the messages exchanged between Mr Hughes and Child A, as evidenced within the papers, was also a matter of concern.

The repeated use of kisses in the messages was plainly inappropriate, as was some of the language used. Mr Hughes could be seen to be complimenting Child A and commenting on his own appearance. In other messages, he was overly self-deprecating and appeared to be seeking sympathy and/or compliments from Child A, which the panel found concerning. In one message, Mr Hughes made reference to the fact that he felt he "*should have been born a few years later*" and in another, he referred to Child A as "*miss amazingest person in the whole planet*". In one passage, there was a discussion about Mr Hughes and Child A watching films whilst simultaneously communicating via FaceTime. In a particularly concerning message, Mr Hughes asked Child A in what way she viewed him as "*special*", which was followed by a heart symbol/emoji.

In the circumstances, it was extremely regrettable that the panel did not have before it the entirety of the messages exchanged between Mr Hughes and Child A. Whilst limited enquiries appear to have been made of the police by or on behalf of the National College, it does not appear that they were ever followed up with any vigour. As a consequence, the panel was required to make findings without it being clear that all relevant evidence was before it. There was also a risk of misinterpreting snippets of conversations given the potential lack of context. Further, there was a reference to the possibility of other, similar allegations being made against Mr Hughes which do not appear to have been investigated by the National College.

Against this backdrop, the panel gave consideration to the possibility of adjourning the proceedings for further enquiries to be made. However, given that there was a lack of clarity as to whether further information was available, it concluded that this would not be in the public interest or Mr Hughes' interest given the need for proceedings to conclude within a reasonable period of time.

By way of example, Child A's mother referred, in her witness statement, to what she stated had been the final message sent by Mr Hughes to Child A which allegedly referred to Child A's hands being tied above her head. In oral evidence she suggested, for the first time, that this message also included a reference to Child A's mouth being taped.

On the face of things, this appeared to be particularly serious. However, the panel noted that this message was also specifically referred to in Child A's mother's statement to the police who ultimately took no action against Mr Hughes.

In those circumstances, and whilst the panel considered Child A's mother to be a credible witness, in the absence of having sight of this message, assuming it was sent, the panel was unable to attach any significance to this aspect of her evidence.

The panel also did not hear from Child A herself who could have given direct, first hand evidence in relation to the messages not evidenced within the papers.

In relation to those messages that were evidenced, the panel nevertheless concluded that there was an intensity to the exchanges in terms of their frequency. There were a lot of messages exchanged within a short period of time and messages were sent early in the morning and late at night.

The panel also had regard to the fact that the contact between Mr Hughes and Child A took place across various platforms. They exchanged messages by text and on Snapchat. They also spoke on at least one occasion. There was talk within the messages of future discussions on FaceTime and to a possible trip to London. In these circumstances the panel considered that, taken as a whole, the communications demonstrated an increasing intimacy and closeness between Child A and Mr Hughes.

Despite these concerns, the panel was mindful of the fact that the burden of proof rested with the presenting officer.

On the balance of probabilities and having considered the evidence in its entirety, the panel did not find that the National College had proved to the requisite standard that Mr Hughes' conduct was sexually motivated. He had clearly lost sight of his professional status and allowed boundaries to become seriously blurred. However, the panel was not satisfied that Mr Hughes' conduct in relation to the facts found proved in allegation 1 was for the purpose of sexual gratification.

Whilst the panel had concluded that Mr Hughes had behaved in a way that could be described as flirtatious, after serious and extensive debate, it did not consider that, on balance, there was sufficient evidence to support the contention that Mr Hughes' conduct could appropriately be described as being sexually motivated.

Whilst Mr Hughes had sent a picture of himself to Child A which was extremely concerning, the panel was prepared to accept his explanation that there was no sexual intent behind his actions. This was despite the panel's misgivings in circumstances where Mr Hughes had provided no explanation as to his precise motive for sending the picture. On balance, the panel considered that his evidence was credible.

The panel therefore concluded that, on balance, there was insufficient evidence to support the suggestion that Mr Hughes had a specific, sexual interest in Child A.

The panel noted that there was a reference within the hearing papers to the view expressed by the police as regards Mr Hughes behaviour, namely "*very poor judgment has been made and [he] has been very stupid.*" The panel agreed that this was a fair summation of Mr Hughes' conduct and was of the view that he presented as a naïve and immature young man.

On that basis and for the above reasons the panel finds allegation 2.b not proven in relation to Mr Hughes' conduct at allegation 1.

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

Having found allegation 1 and 2.a. proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Hughes in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Hughes 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
 - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Hughes' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel found that none of these offences is relevant.

In relation to unacceptable professional conduct, the panel was satisfied that the conduct of Mr Hughes amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel accepted Mr Hughes' evidence that he viewed the relationship as one between dancers and friends and was mindful that the conduct alleged took place outside of an education setting; Child A was not a pupil of Mr Hughes and their contact was restricted to the Academy. His relationship with her, therefore, was not that of a teacher/pupil.

However, the panel was nevertheless satisfied that the conduct it had found proved, could "*lead to pupils being exposed to or influenced by the behaviour in a harmful way*", particularly given the serious breaches of the Teachers' Standards identified. The panel considered that safeguarding principles and good practice are constants. The need to adhere to safeguarding requirements is not restricted to the classroom setting. As a teacher, Mr Hughes had an obligation to maintain professional standards and professional boundaries at all times. He failed to do so.

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

When considering whether Mr Hughes conducted himself in such a way that may bring the profession into disrepute, the panel has taken into account how 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 has also taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

Although the conduct took place outside of an educational setting, the findings of misconduct are serious. Furthermore, the panel considered that the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, thereby potentially damaging public perception. Mr Hughes admitted that his conduct was such that he may bring the profession into disrepute.

Mr Hughes knew, or ought to have known, what was required of him. Whilst he may not have engaged with Child A in an educational setting, he was, nevertheless, in a position of responsibility and influence.

For these reasons, the panel concluded that Mr Hughes' conduct risked damaging the reputation of the profession.

The panel therefore concluded, on balance, and taking account of Mr Hughes' admission, that Mr Hughes' actions did constitute conduct that may bring the profession into disrepute.

Having found the facts of allegation 1 and 2.a proven, the panel therefore further found that Mr Hughes' 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, the panel went 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 considered whether it was an appropriate and proportionate measure, and whether it was 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 considered the particular public interest considerations set out in the Advice and having done so has found a number 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 Hughes, which involved serious misconduct, there is a strong public interest consideration in respect of the protection of pupils and other members of the public given that Mr Hughes had engaged in inappropriate communication with a child. The panel had concluded that this communication was flirtatious. It included a photograph sent by Mr Hughes to Child A via Snapchat which was a 'selfie' of him lying down on a bed, showing only his head and bare torso. The photograph was extremely concerning as was the nature and frequency of the messages sent by Mr Hughes to Child A, which bordered on the obsessive. Taken as a whole, the panel considered that Mr Hughes' conduct evidenced a woeful lack of judgement.

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

The panel also considered that a strong public interest consideration in declaring proper standards of conduct in the profession was present as the conduct found against Mr Hughes 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 Hughes.

In carrying out the balancing exercise, the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Hughes. 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 proven. 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 ... well-being of pupils ...

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel considered that there were the following mitigating circumstances:

- Mr Hughes had a prior good record.
- Mr Hughes had made admissions at an early stage. He admitted the facts of allegation 1 and admitted that his conduct was such that it may bring the profession into disrepute.

- Mr Hughes had engaged with the National College and had attended the hearing to give evidence.
- Mr Hughes showed an element of regret and remorse.

In terms of aggravating factors, the panel noted that:

- There had been a clear and serious breach of the Teachers' Standards.
- Mr Hughes' conduct had a detrimental impact on Child A and her family. It led to an intrusive police investigation and led to Child A ceasing dancing.
- Mr Hughes had demonstrated insufficient insight into the impact of his behaviour and the responsibility upon teachers to maintain appropriate standards come what may.
- Mr Hughes' actions were deliberate and he was not acting under duress.

The panel was not provided with any references attesting to Mr Hughes' practice as a qualified teacher. However, there was some positive evidence as to his character in university and employer references which the panel had regard to.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Mr Hughes. The lack of insight shown by Mr Hughes was a significant factor in forming that opinion. He did not appear to understand the impact of his conduct on Child A and her family. In oral evidence, Mr Hughes' focus was more on himself and the impact on his life. His failure to accept that his conduct had been flirtatious was extraordinary, particularly given the nature of the photograph sent to Child A and the content of the messages. Neither did Mr Hughes appreciate, at the time, that the intensity of his exchanges with Child A, amounting to hundreds of messages within a short time period, was untoward. In those circumstances, the panel could not be satisfied that there was no risk of repetition.

Accordingly, the panel makes 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 them to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice sets out 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 proven, would militate against a review period being recommended.

None of these behaviours were present in this case. In addition, whilst the conduct found proven was very serious, the panel considered that Mr Hughes was not beyond remediation given that he had shown some, albeit limited, insight. He had also demonstrated some regret and remorse. Mr Hughes' immaturity, combined with his naivety and lack of understanding regarding how his actions could be perceived, were causative factors in his misconduct. The panel was of the view that, over time, Mr Hughes had the potential to develop in terms of his understanding and insight.

In those circumstances, the panel felt 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 5 years. The panel was of the view that this period was both sufficient and proportionate and would allow Mr Hughes adequate time to develop in the manner alluded to above.

Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State 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. The panel has not found proven the second part of the second allegation. I have therefore put that element from my mind. The panel has made a recommendation to the Secretary of State that Mr Hughes should be the subject of a prohibition order, with a review period of 5 years.

In particular, the panel has found that Mr Hughes 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
 - ... building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Hughes' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel found that none of these offences are relevant.

In relation to unacceptable professional conduct, the panel was satisfied that the conduct of Mr Hughes amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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 or not 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 Hughes, and the impact that will have on him, is proportionate.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed “the panel was nevertheless satisfied that the conduct it had found proved, could *lead to pupils being exposed to or influenced by the behaviour in a harmful way*”, particularly given the serious breaches of the Teachers' Standards identified. The panel considered that safeguarding principles and good practice are constants.”

A prohibition order would therefore prevent such a risk from being present.

I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, “The lack of insight shown by Mr Hughes was a significant factor in forming that opinion. He did not appear to understand the impact of his conduct on Child A and her family. In oral evidence, Mr Hughes' focus was more on himself and the impact on his life. His failure to accept that his conduct had been flirtatious was extraordinary, particularly given the nature of the photograph sent to Child A and the content of the messages. Neither did Mr Hughes appreciate, at the time, that the intensity of his exchanges with Child A, amounting to hundreds of messages within a short time period, was untoward. In those circumstances, the panel could not be satisfied that there was no risk of repetition.”

In my judgement, the lack of complete insight means that there is some risk of the repetition of this behaviour and this risks the future wellbeing of pupils and young people. 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, “Mr Hughes admitted that his conduct was such that he may bring the profession into disrepute. Mr Hughes knew, or ought to have known, what was required of him. Whilst he may not have engaged with Child A in

an educational setting, he was, nevertheless, in a position of responsibility and influence.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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 Hughes himself. I have noted that the panel, “was not provided with any references attesting to Mr Hughes' practice as a qualified teacher. However, there was some positive evidence as to his character in university and employer references which the panel had regard to.”

A prohibition order would prevent Mr Hughes from teaching and 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 concerning the lack of insight or remorse. The panel has said, “Mr Hughes' immaturity, combined with his naivety and lack of understanding regarding how his actions could be perceived, were causative factors in his misconduct.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hughes 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 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 aims which a prohibition order is intended to achieve.

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 “The photograph was extremely concerning as was the nature and frequency of the messages sent by Mr Hughes to Child A, which bordered on the obsessive. Taken as a whole, the panel considered that Mr Hughes' conduct evidenced a woeful lack of judgement.”

The panel has however said that a 5-year review period would “allow Mr Hughes adequate time to develop in the manner alluded to above.”


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, there are three factors that in my view mean that a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious impact on the pupil, “Mr Hughes' conduct had a detrimental impact on Child A and her family. It led to an intrusive police investigation and led to Child A ceasing dancing.”, the lack of sufficient insight and the “woeful lack of judgement”.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Jamie Hughes 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 March 2023, 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 Jamie Hughes remains prohibited from teaching indefinitely.

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

Mr Jamie Hughes 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 blue ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

Decision maker: Alan Meyrick

Date: 9 March 2018

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