



Teaching
Regulation
Agency

Mr Darren Richard Hawken: Professional conduct panel outcome

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

November 2019

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

Teacher: Mr Darren Richard Hawken

TRA reference: 17805

Date of determination: 29 November 2019

Former employer: Plymouth College, Plymouth

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 and 29 November 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Darren Hawken.

The panel members were Nicolé Jackson (lay panellist – in the chair), Margaret Windsor (teacher panellist) and Brian Hawkins (teacher panellist).

The legal adviser to the panel was Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Naomh Gibson of Browne Jacobson LLP solicitors.

Mr Hawken was present and was represented by Jonathan Storey of counsel.

The hearing was recorded and took place public, save that the panel went into private session to hear part of the oral evidence of Mr Hawken.

B. Allegations

The panel considered the allegations set out in the notice of proceedings dated 1 October 2019.

It was alleged that Mr Darren Hawken was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. He failed to maintain appropriate professional boundaries and/or engaged in an inappropriate relationship with one or more pupils in or around 2017 and/or 2018, including:

a. with respect to Pupil A, by:

- i. sending emails to him which included personal comments and/or information;
- ii. telling him that he was his "No 1" and/or "special";
- iii. giving him his personal mobile phone number;
- iv. exchanging messages with him via text and/or WhatsApp;
- v. asking him to meet up;
- vi. meeting him outside of school, including at a coffee shop on one occasion;

b. with respect to Pupil B, by:

- i. sending emails to him which included personal comments and/or information;
- ii. telling him that he was his "golden boy" and/or "the apple of my eye";
- iii. asking him to meet up;

c. with respect to Pupil E, by:

- i. sending emails to him which included personal comments and/or information;
- ii. telling him that he was "fast realising what a top guy" Pupil E was and/or that he was one of his top students;
- iii. suggesting to him that he "Must have a round of gold [sic] sometime, although you'll have to give me around 8 shots";

d. with respect to Pupil B and/or Pupil C and/r Pupil D, by telling them they were on his "select favourites" list:

Mr Hawken admitted the facts alleged in each allegation.

He also admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

Application to admit additional documents

The teacher's representative made an application to admit additional documents consisting of lesson observation forms relating to Mr Hawken. The presenting officer did not object to the late admission of these documents and the panel agreed to admit them.

Application for part of the hearing to take place in private

The teacher's representative made an application for part of the oral evidence of Mr Hawken to be heard in private confined to matters relating to his [redacted]. The presenting officer did not object to this application.

The panel was satisfied that there was a public interest in the hearing taking place in public. However, in respect of the limited part of the evidence of Mr Hawken identified by the teacher's representative, the public interest was outweighed by Mr Hawken's right to privacy. Accordingly, the panel agreed that a limited part of the oral evidence of Mr Hawken should be heard in private whilst the remainder of the hearing would take place in public.

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, response and statement of agreed facts – pages 5 to 23

Section 3: Teaching Regulation Agency witness statements – pages 23b to 23j

Section 4: Teaching Regulation Agency documents – pages 25 to 144

Section 5: Teacher documents – pages 146 to 208

In addition, the panel agreed to accept a bundle of lesson observation forms, which were added to section 5 of the bundle as pages 209 to 237.

The panel members confirmed that they had read all of the documents within the bundle, with the exception of the lesson observation form, in advance of the hearing. Having admitted the lesson observation forms at the outset of the hearing, the panel read the lesson observation forms before making any determination.

Witnesses

The panel heard oral evidence from Mr Darren Richard Hawken and [redacted]. [redacted] is [redacted] Mr Hawken is the Professional Musical Director.

E. 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 Darren Hawken was employed at the Plymouth College ("the School") from 1 September 2013 as a Teacher of Music. He was appointed Assistant Head of Year 8 from 1 September 2015 and then the Head of Year 10 from 1 September 2016, which rolled into Head of Year 11 in September 2017.

On 16 October 2018, a pupil reported to [redacted] that Mr Hawken had been privately messaging another pupil, Pupil A. This was reported to [redacted], who was [redacted] at the time and [redacted]. [redacted] began an investigation, which included meeting with Pupil A and obtaining access to relevant emails and text messages. The [redacted] also identified email correspondence between Mr Hawken and Pupils A to E.

A strategy meeting was held on 26 October 2018, which was attended by the Local Authority Designation Officer (LADO) and the police. It was determined at that meeting that the matter did not meet the threshold for a police investigation and that an internal investigation should be undertaken by the School. Mr Hawken was suspended from duty the same day. Mr Hawken was subsequently referred for a disciplinary hearing which was held on 26 November 2018, following which he was dismissed.

The panel has been provided with a statement of agreed facts in which Mr Hawken admitted that he failed to maintain appropriate professional boundaries and engaged in inappropriate relationships with pupils in or around 2017 and 2018, including Pupil A, Pupil B, Pupil C, Pupil D and Pupil E.

The TRA did not allege that Mr Hawken's actions were sexually motivated. The presenting officer explained that, although it was alleged that Mr Hawken engaged in an

inappropriate relationship with the pupils concerned, the word 'relationship' was not being used in a sexual or romantic way. Instead, the presenting officer referred to the dictionary definition of 'relationship' as *'the way in which two or more people are connected'*. It was alleged that the relationship Mr Hawken formed with the pupils concerned was one of friendship, which was inappropriate given Mr Hawken's position as teacher. The panel approached its consideration of the case on that basis.

Findings of fact

The findings of fact are as follows:

1. You failed to maintain appropriate professional boundaries and/or engaged in an inappropriate relationship with one or more pupils in or around 2017 and/or 2018, including:

a. with respect to Pupil A, by:

- i. sending emails to him which included personal comments and/or information;**
- ii. telling him that he was your "No 1" and/or "special";**
- iii. giving him your personal mobile phone number;**
- iv. exchanging messages with him via text and/or WhatsApp;**
- v. asking him to meet up with you;**
- vi. meeting him outside of school, including at a coffee shop on one occasion;**

Mr Hawken admitted that he emailed Pupil A on the School's account between 23 May 2018 and 28 September 2018.

Examples of the emails sent to Pupil A containing personal comments or information are as follows:

At 20:44 on Friday 22 June 2018, Mr Hawken sent an email to Pupil A in which he said:

"In the teaching profession one must not have favourites but... You've fast become my No 1. You know that in me you've got someone that will support, help, guide and look after you to the absolute hilt. I've only done this for a couple of students in the past who deserve a place on my pedestal of which is VERY hard to get on. I see so much of me in you when I was your age, we've really clicked from day 1 and I'm so very glad you came to PMC. There really is a very different side to the banter and joking around you often

see with me. I'll always be there for anything you need whilst you're at PMC, that's a promise."

On Sunday 8 July 2018, Mr Hawken sent an email to Pupil A, which included the following:

"Sorry to hear of your phone issues, I did think it strange that you hadn't been in touch like before as I had informed you of quite a bit including the loss of my Great Grandmother etc. without reply. I've a [redacted] on Wednesday which I'm not looking forward to either. Fully understand that you are busy this week, here is hoping next week would suit...You know I'll always be there in confidence. If you need a spare phone for the interim period, then I have one you can borrow..."

Mr Hawken admitted that he provided Pupil A with his personal number and subsequently communicated with Pupil A by text on 25 July 2018 to the October half term 2018 and during this period, he sent the following messages.

On Sunday 6 August 2018, Mr Hawken sent a text to Pupil A, which said:

"Know I'm always here for you, always will be. Only 'No 1' gets preferential treatment."

On Friday 10 August 2018, Mr Hawken sent a text to Pupil A, which included the following:

"did get the house for a good price...Plus I have a second part time job conducting which pays very well. I also consult the BBC and own a music publishing company. If I didn't have that then I would be able to have the nice house and nice car. I'm also very generous with my money, always treating friends and donating to charity. Once you've left, you'll firmly be under the remit of a close friend, I can guarantee that."

At 23:20 on Saturday 1 September 2018, Mr Hawken sent a text to Pupil A, which included the following:

"lovely to hear from you...one pupil that I don't want to call me 'Sir' and that's you. Please don't, it simply doesn't feel right and I don't expect it as I don't teach you. I've given you special and personal privileges so please take them. You're No 1 and I've given you exclusive rights to that honour. Many want that status, but they won't have it, you're it...You're the apple of my eye...Can't wait to see you fella. Missed you since that coffee catch up."

The panel noted that there were a series of further text messages from Mr Hawken to Pupil A in which Mr Hawken referred to his consumption of alcohol. One of these sent on 3 September 2018, said, *'...also I had several wines when I messaged on Saturday night, so apologies if it didn't make sense or it was 'OTT' !...'*

At 09.22 on Tuesday 4 September 2018, Mr Hawken sent a text to Pupil A, which included the following:

"perhaps a coffee catch-up later part of the week in my office or over the road. See you later."

At 21:58 on Tuesday 4 September 2018, Mr Hawken sent a further text to Pupil A, in which he said:

"I'd be grateful if you could send through the picture we had taken at the sixth form ball. I'm led to believe it was a cracker and it's something I'd like to keep and look back on later on. You can WhatsApp it to me if that's ok. Also, if you've any holiday snaps I'd still love to see and of your wonderful time in France."

The panel noted there was a series of further text messages from Mr Hawken in September and October and it was noticeable that Mr Hawken was initiating messages, but Pupil A was reducing the number and length of his responses. The panel also noted that Mr Hawken sent a number of text messages to Pupil A containing information about his social life, his house move and his [redacted].

Mr Hawken stated that at the start of the new term in September 2018, he sensed that Pupil A 'felt a little awkward and wasn't his usual self'. Mr Hawken stated that on 12 September 2018 he asked Pupil A to come to his office during a free period and asked Pupil A if he wanted to cease communication. Mr Hawken stated that Pupil A said that he was "OK with it".

In his oral evidence, Mr Hawken stated that the point was reached in his exchanges with Pupil A when he "needed a friend" and he "lent on" Pupil A as "someone he had a rapport with".

Mr Hawken admitted that between September and October 2018 he exchanged messages and photographs with Pupil A via WhatsApp.

Mr Hawken admitted that he met Pupil A outside of the School on one occasion at a Costa coffee shop in Plymouth on or around 27 July 2018. Mr Hawken also admitted that he instigated this meeting by sending Pupil A a message on 23 July 2018 which included the words:

"I'm in school on Thursday and Friday and wondered if you'd like to meet for coffee (and a slice of lemon drizzle...)? On me of course. I can pretty much do anytime."

Mr Hawken admitted that in acting as alleged in 1a i to vi, he failed to maintain an appropriate professional boundary and engaged in an inappropriate relationship with Pupil A.

The panel was satisfied that in establishing the rapport with Pupil A and viewing him as a friend, Mr Hawken had established a relationship which was inappropriate, and which breached professional boundaries.

The panel found 1a i, ii, iii, iv, v and vi proved.

b. with respect to Pupil B, by:

i. sending emails to him which included personal comments and/or information;

ii. telling him that he was your "golden boy" and/or "the apple of my eye";

iii. asking him to meet up with you;

Mr Hawken has admitted that he sent emails to Pupil B's School email account between 2017 and 2018 which included personal comments, including the following:

"Did you see Diane Abbott's complete balls up on Sky News? If you haven't, then take a look, it was so bloody amateurish and village."

"No problem dear boy, don't worry about it. I hope you're OK. If you need me at all then I'm there for you. You've my full support in everything you do always purely being the 'main man' and my 'golden boy'. Take care."

"I am still livid and incandescent about the behaviour of a certain someone today. I'm sat here after several wines still speechless. Thank you for your support, it was an enjoyable afternoon none the less. You're the apple of my eye and golden boy sure enough. [redacted] openly said we'd be welcome at any SE Cornwall Conservative function and I'd be more than happy to have you anytime. Have a great half term dear boy. Up the Tories as always, D"

In his oral evidence, Mr Hawken stated that this email was sent in relation to another member of staff whom he felt had been rude to a local MP that day. Mr Hawken admitted in his oral evidence that it was inappropriate to criticise the behaviour of other teachers with a pupil. He also accepted that it was inappropriate to share his personal political beliefs with Pupil B.

Mr Hawken also admitted that his emails contained requests to meet up with Pupil B, including the following:

"Dear boy, Catch up P4 tomorrow (Thurs) over coffee? D."

"3.30pm tomorrow (Friday) sounds good, I'll get the kettle on."

Mr Hawken admitted that in acting in this way he failed to maintain an appropriate professional boundary and engaged in an inappropriate relationship with Pupil B.

The panel was satisfied that Mr Hawken had established a friendship with Pupil B based on their mutual political interest. The panel was satisfied that this relationship was inappropriate, and Mr Hawken breached professional boundaries.

The panel found 1b i, ii and iii proved.

c. with respect to Pupil E, by:

- i. sending emails to him which included personal comments and/or information;**
- ii. telling him that you were "fast realising what a top guy" Pupil E was and/or that he was one of your top students;**
- iii. suggesting to him that you "Must have a round of gold [sic] sometime, although you'll have to give me around 8 shots";**

Mr Hawken admitted that on 11 October 2018, he sent Pupil E an email in which he said:

"Good banter today (Pupil E), fast realising what a top guy you are. It's a real pleasure having you at Plymouth College. We will be far richer for having you with us that's for sure. I've so much time for top students, of which, you are now. I shall look forward to further Thursday banter each week. Must have a round of gold [sic] sometime, although you'll have to give me around 8 shots!"

The panel was satisfied that these were personal comments and were inappropriate.

Mr Hawken admitted that, in acting in this way, he failed to maintain an appropriate professional boundary and engaged in an inappropriate relationship with Pupil E.

The panel found 1c i, ii and iii proved.

d. with respect to Pupil B and/or Pupil C and/or Pupil D, by telling them they were on your "select favourites" list:

Mr Hawken admitted that, on 22 May 2018, he sent separate emails to Pupil B, Pupil C and Pupil D which stated:

"I need to see you on Friday, I've a leavers letter for you. It's a tradition of mine to write a few personal words to those on my select 'favourites' list to wish them well for the future. Pop up to my office on Friday morning to collect."

Mr Hawken admitted that in acting in this way, he failed to maintain appropriate professional boundaries with Pupil B, Pupil C and Pupil D and engaged in an inappropriate relationship with each of them.

The panel was satisfied that it was extremely unwise to refer to a pupil as a 'favourite' and that in acting in this way, Mr Hawken crossed a professional boundary. However, the panel was not satisfied that, in so acting, Mr Hawken engaged in an inappropriate relationship.

The panel found 1d proved on this limited basis.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Hawken admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel took these admissions into account but made its own determination.

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 Hawken, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hawken was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel gave careful consideration to matters of mitigation put forward by Mr Hawken and on his behalf, including the issues relating to [redacted] and his explanation of his work pressures. Despite these factors, the panel was satisfied that the conduct of Mr Hawken amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel was satisfied that the proven conduct of Mr Hawken relating to Pupil A and Pupil B, looked at in isolation, amounted to unacceptable professional conduct. In relation to allegations 1c and 1d, the panel was not satisfied that, looked at in isolation, the conduct of Mr Hawken amounted to unacceptable professional conduct. However, looked at cumulatively, together with allegations 1a and 1b, the panel was satisfied that the conduct amounted to unacceptable professional conduct. In reaching this finding, the panel had regard to the similar nature of the allegations and that all related to failures to maintain professional boundaries with pupils.

Accordingly, the panel was satisfied that Mr Hawken was guilty of unacceptable professional conduct in relation to all of the allegations found proved.

As regards bringing the profession into disrepute, 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 findings of misconduct were serious, and the conduct displayed would be likely to have a negative impact on Mr Hawken's status as a teacher, potentially damaging the public perception.

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

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and

proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

There was a strong public interest consideration in respect of the protection of pupils, given the serious findings of failing to maintain professional boundaries and engaging in inappropriate relationships with pupils.

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

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as a teacher. [redacted] described Mr Hawken as *'one of the most inspirational and motivational teachers I have met in my 31 years of teaching.'*

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

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 Hawken. 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;
- misconduct likely to have affected the well-being of pupils;
- abuse of position of trust;

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 teacher's actions were deliberate. There was no evidence to suggest that Mr Hawken was acting under duress.

The panel noted that Mr Hawken had a previous good history. The panel has also taken into account the fact that the conduct took place over a limited period of time with a small group of pupils and there was no evidence of any other misconduct. In mitigation it was submitted that, at the time of the conduct, Mr Hawken:

- had a wide range of responsibilities both within and outside school;
- had a difficult cohort of pupils to lead;
- did not have a personal support network;
- had [redacted]; and
- had challenging personal circumstances.

The panel accepted Mr Hawken's evidence that the combination of these factors left him overwhelmed.

The panel was presented with a number of testimonials and references on behalf of Mr Hawken. One of those was from [redacted], [redacted] who referred to Mr Hawken as follows:

'Darren has always had positive and respectful relationships with those in his care. He has always dealt professionally with parents and colleagues alike, especially in his role as Head of Year. He inspired many young musicians to fulfil their potential and follow their ambitions, culminating in many successful concerts and recitals at school, in addition to his work with [redacted]'

[redacted]

[redacted]

[redacted]

[redacted]

Mr Hawken was able to convince the panel of his current ability to [redacted]. For example, by identifying people to talk to if these symptoms should emerge. The panel was also convinced by Mr Hawken's intention to only be a teacher of music rather than take on additional responsibilities within school.

The panel recognised from his oral evidence Mr Hawken's expressions of remorse and regret. The panel considered that Mr Hawken has developed insight into his failings and was confident that he will continue to reflect upon how to maintain professional boundaries.

The panel received a written reference from [redacted], [redacted], in which he stated:

"We have taken steps to ensure we support Darren appropriately and diligently as he is a much valued and capable teacher who has much to offer both ourselves and by musical tuition generally. I believe Darren will not make a similar error of judgment in the future and his enthusiasm for channelling support to his students will maintain the recognised relationship that is appropriate to his role."

The panel also heard oral evidence from [redacted]. He stated that he had seen evidence of Mr Hawken's reflection through his approach and use of language with young people in the band. [redacted].

The panel considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given the nature and severity of the behaviour were at the less serious end of the possible spectrum and involved no sexual motivation and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

The panel, therefore, determined that a recommendation for a prohibition order would not be appropriate in this case.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven, albeit allegation 1d on a limited basis, and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Hawken is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Hawken 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 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 Hawken and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "that all related to failures to maintain professional boundaries with pupils."

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel recognised from his oral evidence Mr Hawken's expressions of remorse and regret. The panel considered that Mr Hawken has developed insight into his failings and was confident that he will continue to reflect upon how to maintain professional boundaries."

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 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."

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. In this case I consider that it is proportionate.

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

For these reasons, I have concluded that the published findings in this case is proportionate.



Decision maker: Alan Meyrick

Date: 5 December 2019

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