



Teaching  
Regulation  
Agency

# **Mr Karl Huber: Professional conduct panel outcome**

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

**February 2020**

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

**Teacher:** Mr Karl Huber

**Teacher ref number:** 0674191

**Teacher date of birth:** 19 April 1983

**TRA reference:** 18243

**Date of determination:** 25 February 2020

**Former employer:** Ashfield School, Nottinghamshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 February to 25 February 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Karl Huber.

The panel members were Mr John Matharu (lay panellist – in the chair), Ms Fiona Tankard (teacher panellist) and Ms Ann Walker (former teacher panellist).

The legal adviser to the panel was Ms Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson LLP solicitors.

Mr Karl Huber was present and was not represented.

The hearing took place in public, except for parts of the hearing that were heard in private, and was recorded.

## Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 18 December 2019.

It was alleged that Mr Karl Huber was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Head of Music at Ashfield School between 1 September 2012 to 28 February 2019 he:

1. Failed to maintain appropriate professional boundaries with Pupil A, namely by;
  - a. Providing her with his personal telephone number;
  - b. Corresponding with her through;
    - i. Private email;
    - ii. WhatsApp;
    - iii. A typed letter;
    - iv. A handwritten letter;
    - v. His school email accounts when he was emailing in relation to non-school related and/or personal matters;
  - c. Encouraging her to falsify his name in her contacts to disguise his identity;
  - d. Sending her a birthday card containing £40;
  - e. Offering to take her to London to see a show.
2. Engaged in inappropriate and/or unprofessional behaviour towards Pupil A, namely by;
  - a. Persistently contacting her when she was not responding to his messages;
  - b. Attempting to emotionally coerce her into providing a response;
  - c. Asking others to encourage a response from her.
3. In behaving as may be found proven at 1a-1e and/or 2a-2c above, he was pursuing and/or attempting to pursue a relationship with Pupil A which he knew or ought to have known was an abuse of his position of trust as a teacher.

Mr Huber admitted the facts of the allegations and that these amounted to unacceptable professional conduct and conduct that brings the profession into disrepute.

## Preliminary applications

### Admissibility of late documents

At the outset of the hearing, the presenting officer applied to admit the witness statement of the Designated Safeguarding Lead at the School and, on behalf of the teacher, a letter addressed to the panel and signed by Mr Huber. Those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer and that no objections were raised by the teacher to the admissibility of the documents.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that both documents were relevant to the case, as one was the witness statement of a teacher to whom Pupil A had spoken about Mr Huber's actions and the other document was written by Mr Huber himself in response to the allegations.

In relation to the witness statement of the Designated Safeguarding Lead, the central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the Presenting Officer without the opportunity for the witness to be cross-examined by the teacher. The panel took account of the efforts made to secure the attendance of the witness and concluded that no efforts had been made to secure the attendance of the witness and the witness statement was sought at a very late stage.

In the circumstances, given that insufficient efforts had been made to secure the attendance of the witness and the seriousness of the allegations in this case, the panel concluded that the right to a fair hearing entitled the teacher to have the opportunity to cross-examine the witness.

With regard to the overall question of fairness, the panel considered that it would not be fair to admit the witness statement of the Designated Safeguarding Lead as it was drafted at a late stage without reasonable explanation and was provided to the teacher less than one working day before the start of the hearing. The panel was concerned that the document had been prepared at such a late stage of the proceedings and had only been prepared in the absence of a signed copy of an agreed statement of facts at the time and in response to the teacher's intention to attend the hearing.

In relation to the letter from Mr Huber, the panel considered that it was fair to admit the evidence. The panel noted that there was a distinction to be drawn between the presenting officer's seeking to rely upon hearsay evidence and the teacher's seeking to introduce a statement on which he could be questioned. The panel was satisfied that Mr Huber had provided a reasonable explanation for the late admission of the document and

that the presenting officer had had sufficient time to review the document in advance of the hearing.

By reason of the above, the panel decided to admit the letter from Mr Huber. However, the panel decided not to admit the other document.

### Amending the allegations

The panel considered whether to amend the word “including” in the stem of allegations 1 and 2 to “namely” or “specifically”, or whether the allegations had been sufficiently particularised in advance of the hearing for the teacher to be able to address matters pertaining to the stem of the allegation but which were not specifically set out in sub-allegations 1a to 1e and 2a to 2c. The panel took into account representations from the presenting officer that the allegations were specifically as listed and that there were no further allegations. The panel also took into account acknowledgment from the teacher that he had understood the allegations to be as specifically listed.

The panel decided to exercise its power under paragraph 4.56 of the Procedures to amend the allegation to replace the word “including” with “namely”. The panel considered that the amendment provided clarity and did not change the nature, scope or seriousness of the allegations as understood by both parties. There was no prospect of the teacher’s case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher.

### Excluding the public

The panel considered an application from Mr Huber that part of the hearing should be held in private.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers’ Disciplinary (England) Regulations 2012 (the “Regulations”) and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the “Procedures”) to exclude the public from all or part of the hearing. This followed a request from the teacher that part of the hearing should be in private.

The panel determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for part of the hearing to be heard in private was a reasonable one, given concerns about confidential matters relating to the teacher’s health being placed in the public domain. The panel considered whether

there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health.

The panel noted that any departure from the general rule had to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing was preferable to a permanent exclusion of the public. The panel therefore, considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health, and considered that to the extent it became necessary during the course of the hearing to discuss such matters, the panel could consider at that stage whether to exclude the public from that portion of the hearing only.

The panel had regard to whether the teacher's request ran contrary to the public interest. The panel was required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continued, any decision of the Secretary of State would also be in public. The panel considered that in the circumstances of this case where private matters relating to the teacher's health related to the facts the public interest would be satisfied by these public announcements. Those public announcements would ensure that public confidence in these proceedings and in the standards of the profession were maintained.

## **Summary of evidence**

### **Documents**

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

Section 1: Anonymised pupil list – page 2

Section 2: Notice of proceedings and response and statement of agreed facts – pages 4 to 15

Section 3: Teaching Regulation Agency documents – pages 17 to 145

In addition, the panel agreed to accept the following:

Section 4: Teacher documents – pages 147 to 150

The panel requested that the statement of agreed facts was updated with correct page references and the updated, signed version was inserted into the bundle to replace the previous version.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

## Witnesses

The TRA did not call any witnesses.

The panel heard oral evidence from the teacher.

## 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 Huber had been employed at Ashfield School (the “School”) since 1 September 2012. On 14 December 2018, Pupil A informed a teacher at the School that they had received texts, letters and emails from Mr Huber, including emails from Mr Huber’s personal email account. Following a referral to the Local Authority Designated Officer, Mr Huber was suspended from work on Monday 17 December 2018 and disciplinary proceedings commenced.

## Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

- 1. Failed to maintain appropriate professional boundaries with Pupil A, namely by;**
  - a. Providing her with your personal telephone number;**

This allegation was admitted and was supported by evidence presented to the panel. The panel had sight of an email from Mr Huber to Pupil A in which Mr Huber had provided his mobile number and stated “as a professional I shouldn’t really, but I trust you completely not to use it wrongly”. The panel considered that through providing his personal mobile telephone number, Mr Huber had failed to maintain appropriate professional boundaries.

The allegation was therefore, found proved.

- b. Corresponding with her through;**
  - i. Private email;**
  - ii. WhatsApp;**
  - iii. A typed letter;**
  - iv. A handwritten letter;**



**v. Your school email accounts when you were emailing in relation to non-school related and/or personal matters;**

These allegations were admitted and were supported by evidence presented to the panel. The panel had sight of private emails, a typed letter, a handwritten letter and emails sent from a school email account relating to non-school matters and deeply personal matters which Mr Huber had admitted to sending to Pupil A. Whilst the panel did not have sight of any WhatsApp messages in the bundle, the panel noted that Mr Huber had stated as part of the School's investigation that communication had occurred via WhatsApp, Mr Huber had provided his personal mobile number to Pupil A and the School's investigation report states that Mr Huber had confirmed to the Police that he had been in contact with Pupil A using WhatsApp. The panel considered the methods and personal content of the correspondence amounted to a failure to maintain appropriate professional boundaries.

The allegations were therefore, found proved.

**c. Encouraging her to falsify your name in her contacts to disguise your identity;**

This allegation was admitted and was supported by evidence presented to the panel. The panel had sight of an email from Mr Huber to Pupil A in which he provided his personal mobile number and wrote, "List me under another name if you need to". The panel considered that, taking the ordinary meaning associated with such correspondence, Mr Huber had encouraged Pupil A to falsify his name in her contacts to disguise his identity.

The allegation was therefore, found proved.

**d. Sending her a birthday card containing £40;**

This allegation was admitted and supported by evidence presented to the panel. The panel had sight of a copy of a handwritten card, addressed to Pupil A, which indicated that it contained a monetary gift.

The allegation was therefore, found proved.

**2. Engaged in inappropriate and/or unprofessional behaviour towards Pupil A, namely by;**

**a. Persistently contacting her when she was not responding to your messages;**

This allegation was admitted and supported by evidence presented to the panel. The panel had sight of a number of emails, a typed letter and a handwritten letter from Mr Huber to Pupil A, in which there appeared to be no response in the correspondence from Pupil A and Mr Huber repeatedly questioned why Pupil A has not responded to him. The emails were frequent and where a response had not been received, Mr Huber had sent a follow-up email.

The allegation was therefore, found proved.

**b. Attempting to emotionally coerce her into providing a response;**

This allegation was admitted and supported by evidence presented to the panel. The panel had sight of a number of emails contained in the bundle, which it considered were aimed at coercing Pupil A into providing a response through both the emotional content and the subject headers of the emails. Letters written by Mr Huber and received by Pupil A also detailed the distressing impact her lack of response had on him.

The allegation was therefore, found proved.

**c. Asking others to encourage a response from her.**

This allegation was admitted and supported by evidence presented to the panel. The panel had sight of email correspondence between Mr Huber and another pupil, in which Mr Huber asked that pupil to talk to Pupil A regarding her lack of responses to him and to another teacher at the School asking them to get Pupil A to go and see him. Mr Huber explained that these emails were sent with the intention of chasing up information on revision packs and to ask Pupil A to return a book he had lent her. The panel acknowledged this explanation, but noted that in the email to another pupil, Mr Huber had outlined that he had provided support to Pupil A and was worried that he had “said something and she has fallen out with me for some reason”. The panel considered that the content of the email went beyond the stated purpose of seeking a response from Pupil A about revision guides. Instead, it was aimed generally at seeking to understand why Pupil A was not responding to him and encouraging another pupil to elicit a response from Pupil A.

The allegation was therefore, found proved.

**3. In behaving as may be found proven at 1a-1e and/or 2a-2c above, you were pursuing and/or attempting to pursue a relationship with Pupil A which you knew or ought to have known was an abuse of your position of trust as a teacher.**

This allegation was admitted and supported by evidence presented to the panel.

The panel considered the behaviour as found proved at allegation 1a to 1d and 2a to 2c above.

The panel noted that Mr Huber had completed safeguarding training and had acknowledged in his correspondence with Pupil A that he was acting beyond professional boundaries, such as writing in the birthday card “I know that it isn’t really the done thing” and in an email providing his personal mobile number stating that as a professional he “shouldn’t really”.

When questioned by the panel, Mr Huber stated he was pursuing a friendship with Pupil A and that was the basis on which he admitted the allegation. He described his position as that of an “agony aunt”. The panel considered the live and written evidence. The panel

noted that in his emails, Mr Huber shared personal information with Pupil A, sought reassurance from her, outlined the “hugely positive impact” being able to talk to her had had on him and repeatedly referred to their friendship. The panel considered that Mr Huber was seeking a relationship with Pupil A beyond that of an appropriate professional relationship and was abusing his position of trust as a teacher through sharing deeply personal information and seeking emotional support from her.

The allegation was therefore, found proved.

The panel found the following particulars of the allegation against you not proved, for these reasons:

**1. Failed to maintain appropriate professional boundaries with Pupil A, namely by;**

**e. Offering to take her to London to see a show.**

This allegation was admitted and supported by evidence presented to the panel. In his oral evidence, Mr Huber explained that he had not personally offered to solely take Pupil A on a trip to London to see a show. He was aware that Pupil A wanted to see a particular show and had intended to organise a departmental trip to see the show in London if it was also of interest to other pupils. Mr Huber explained he would have sought formal parental permission for the trip, arranged for a second appropriate adult to accompany him and the other pupils and would have looked to subsidise the trip from available School funds. However, shortly after this conversation with Pupil A about the show, he had received a telephone call from Pupil A’s father explaining he had already bought Pupil A a ticket to the show as a surprise for her birthday. Therefore, the planning of the trip did not progress any further. The panel was satisfied that Mr Huber had provided a reasonable explanation of the surrounding context to his offer to take Pupil A to see a show in London. It accepted that other pupils would likely have attended the trip and that parental permission would have been sought.

The fact of the allegation was, therefore, found proved but for the reasons outlined above the panel was not satisfied that it was a clear failure to maintain appropriate professional boundaries with Pupil A.

The allegation was therefore, found not proved.

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

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

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

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

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Huber as found proved at allegations 1a to 1d, 2a to 2c and 3 amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Mr Huber had failed to maintain an appropriate professional relationship with Pupil A and in doing so, seriously contravened the Teacher's Standards and failed to recognise the impact his actions had on Pupil A's well-being.

The panel also considered whether Mr Huber'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.

Accordingly, the panel was satisfied that Mr Huber 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1a to 1d, 2 and 3 proved, the panel further found that Mr Karl Huber'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. 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.

In the light of the panel's findings against Mr Huber, which involved failing to maintain appropriate professional boundaries with a pupil, engaging in inappropriate and unprofessional behaviour towards a pupil and pursuing a relationship which he ought to have known was an abuse of his position of trust as a teacher, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of failing to maintain appropriate professional boundaries and engaging in inappropriate behaviour towards Pupil A.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Huber were not treated with the utmost seriousness when regulating the conduct of the profession. The panel considered that Mr Huber had placed his own well-being above that of the pupil.

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 Huber was outside that which could reasonably be tolerated.

The panel considered whether there was a strong public interest consideration in retaining the teacher in the profession. The panel heard from Mr Huber that his last lesson observation had been rated as outstanding and there was no evidence that doubt had been cast upon his abilities as an educator. However, it had been presented with limited evidence to demonstrate the contribution Mr Huber made to the profession and

did not consider that the public interest consideration of retaining the teacher in the profession outweighed the other relevant public interest considerations.

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 Huber.

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 Huber. 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;

The panel was satisfied that Mr Huber's conduct was a serious departure from the personal and professional conduct elements of the Teacher's Standards. Mr Huber had persistently contacted Pupil A, including through private methods of communication, and had attempted to emotionally coerce Pupil A into providing a response and maintaining a friendship.

misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk; and

The panel heard that Mr Huber's actions had been a significant factor in Pupil A's decision not to continue to study music at the School, despite her interest in the subject, and had sight of information relating to the impact of his conduct on Pupil A's well-being. The panel acknowledged that Mr Huber had demonstrated some understanding that his actions were inappropriate and that he had taken steps to educate himself on appropriate professional boundaries, but considered that further insight was required into the underlying causes of his conduct and the impact on Pupil A, to prevent a repeat of his actions.

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

The panel found that Mr Huber had behaved in a way that he ought to have known abused his position of trust as a teacher. Mr Huber acknowledged this himself in his evidence and recognised the way in which his actions would be perceived by the public.

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

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

There was no evidence to suggest that Mr Huber was acting under duress. The panel acknowledged that Mr Huber was under stress at the time of the conduct found proven, but considered his actions to be deliberate.

Mr Huber did have a previously good history.

Although the panel saw some evidence of good character, no references were provided from any colleagues that could attest to Mr Huber's abilities as a teacher.

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 Huber 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 Huber. The conduct as found proved in relation to his failure to maintain appropriate professional boundaries, his attempting to emotionally coerce Pupil A into providing a response and his attempting to pursue a relationship with Pupil A which he ought to have known abused his position of trust as a teacher were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 that none of these behaviours was relevant.

The panel considered that Mr Huber had shown some insight into his actions. He had engaged with the regulatory process and admitted at the very outset that his actions were inappropriate. He had taken steps to address his lack of understanding at the time as to why his actions had been inappropriate and demonstrated remorse for the impact his actions had had on Pupil A. Nevertheless, the panel considered that this insight related to his own emotional well-being and there was no clear justification for his actions. The panel considered, therefore, that Mr Huber required further time to reflect on the reasons

for his actions and develop his understanding of clear professional boundaries, particularly with regard to friendships and sharing personal information with pupils.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after 3 years. The panel considered 3 years to be a sufficient period of time to allow Mr Huber to reflect and develop.

## **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. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Huber 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.

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 Huber, 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, “Mr Huber had failed to maintain an appropriate professional relationship with Pupil A and in doing so, seriously contravened the Teacher’s Standards and failed to recognise the impact his actions had on Pupil A’s well-being.”

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 considered that Mr Huber had shown some insight into his actions. He had engaged with the regulatory process and admitted at the very outset that his actions were inappropriate. He had taken steps to address his lack of understanding at the time as to why his actions had been inappropriate and demonstrated remorse for the impact his actions had had on Pupil A. Nevertheless, the panel considered that this insight related to his own emotional well-being and there was no clear justification for his actions. The panel considered, therefore, that Mr Huber required further time to reflect on the reasons for his actions and develop his understanding of clear professional boundaries, particularly with regard to friendships and sharing personal information with pupils.”

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of children. 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

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 Huber himself. The panel comment “Mr Huber did have a previously good history. Although the panel saw some evidence of good character, no references were provided from any colleagues that could attest to Mr Huber’s abilities as a teacher.”

A prohibition order would prevent Mr Huber 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 also said, “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 Huber. The conduct as found proved in relation to his failure to maintain appropriate professional boundaries, his attempting to emotionally coerce Pupil A into providing a response and his attempting to pursue a relationship with Pupil A which he ought to have known abused his position of trust as a teacher were significant factors in forming that opinion.”

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

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

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

I have considered the panel’s comments “The panel heard that Mr Huber’s actions had been a significant factor in Pupil A’s decision not to continue to study music at the School, despite her interest in the subject, and had sight of information relating to the impact of his conduct on Pupil A’s well-being. The panel acknowledged that Mr Huber had demonstrated some understanding that his actions were inappropriate and that he had taken steps to educate himself on appropriate professional boundaries, but considered that further insight was required into the underlying causes of his conduct and the impact on Pupil A, to prevent a repeat of his actions.”

I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, three factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the failure to maintain appropriate professional boundaries, his attempting to emotionally coerce Pupil A into providing a response and his attempting to pursue a relationship with Pupil A, and the lack of full insight.

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

**This means that Mr Karl Huber 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 6 March 2023, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Karl Huber remains prohibited from teaching indefinitely.

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

Mr Karl Huber 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 'Alan Meyrick', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 28 February 2020**

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