



Teaching
Regulation
Agency

Mr Harry White: Professional conduct panel outcome

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

March 2021

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

Teacher:	Mr Harry White
Teacher ref number:	1724826
Teacher date of birth:	23 April 1984
TRA reference:	18783
Date of determination:	23 March to 25 March 2021
Former employer:	The Sixth Form College Farnborough, Farnborough.

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 March to 25 March 2021 by way of virtual hearing, to consider the case of Mr White.

The panel members were Ms Hilary Jones (lay panellist – in the chair), Ms Susanne Staab (teacher panellist) and Mr Craig Underwood (lay panellist).

The legal adviser to the panel was Mr Robert Kellaway of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Charlotte Mitchell-Dunn of Thomas More Chambers instructed by Capsticks LLP solicitors. Arpan Pooni of Capsticks LLP solicitors was also present during parts of the hearing.

Mr White was not present but was represented at the hearing by Ms Wendy Hewitt of 5 St Andrew’s Hill Chambers. Mr White’s instructing solicitor, Ms Stacey Edgley of Wheelers Solicitors, was also present during parts of the hearing.

The hearing took place in public with parts of the hearing being held in private. The hearing was recorded.

Allegations

The panel considered the allegations against Mr White as set out below.

It was alleged that Mr White was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at the Sixth Form College Farnborough (“the College”):

1. On one or more occasions, between or around September 2015 and July 2017, when Pupil A was a student at the College, he:
 - a. told Pupil A to buy “slutty” underwear that pushed her cleavage “up as much as possible” for a role in a musical;
 - b. made a comment in front of students that Pupil A gave [Redacted] “right show” when the stitching on a split on Pupil A’s dress came undone;
 - c. met and/or invited Pupil A to meet outside of school hours;
 - d. gave his personal contact details to Pupil A;
 - e. contacted Pupil A;
 - i. using his personal contact details;
 - ii. after school hours;
 - f. drove Pupil A in a personal vehicle;
 - g. while driving Pupil A, he
 - i. asked Pupil A whether she had made herself orgasm before;
 - ii. asked Pupil A whether she “had done it yet”, by which he meant whether or not Pupil A had orgasmed;
 - h. asked Pupil A whether she was “pleasing” herself, by which he meant whether she had masturbated;
 - i. touched Pupil A by putting:
 - i. his hand on her knee;
 - ii. wrapping her arms around his waist and/ or putting his hands on her hips, pulling her hips in closer to his.
2. In or around June 2017, during a College music trip, he:

- a. described a sexual dream to Pupil A;
 - b. held Pupil A's hand;
 - c. rested his head on Pupil A's right shoulder.
3. On one or more occasions between July 2017 and July 2018, after Pupil A had left the College, he:
- a. contacted Pupil A using his personal contact details;
 - b. gave Pupil A gifts;
 - c. requested photographs of Pupil A's friends and/or family;
 - d. sent Pupil A photographs;
 - e. invited Pupil A to his house;
 - f. told Pupil A not to contact friends and family when Pupil A was homesick.
4. On one or more occasions between July 2017 and July 2018, after Pupil A had left the College, he:
- a. told Pupil A:
 - i. to send him photographs of Pupil A in underwear;
 - ii. to create and/or tell him pornographic stories;
 - iii. "carry on" and/or "that's hot" or words to that effect, while masturbating;
 - iv. to masturbate;
 - v. to orgasm audibly;
 - vi. to tell him stories about threesomes or words to that effect;
 - b. masturbated in front of Pupil A, on a Skype video call.
5. Between 5 August 2018 and 15 January 2019, he told Pupil A to:
- a. delete correspondence with him;
 - b. keep correspondence with him "confidential".
6. By his conduct set out above:
- a. he failed to follow School policies and procedures;

- b. he failed to observe a proper boundaries appropriate to a teacher's professional position;
 - c. he failed to take appropriate steps to safeguard the wellbeing of pupils and/or former pupils.
7. His conduct in paragraph 1 - 4 was sexually motivated in that he:
 - a. acted in pursuit of a sexual relationship;
 - b. acted in pursuit of sexual gratification.
8. By reason of his conduct in paragraph 5, he failed to act with integrity.

Mr White admitted to following allegations:

- 1.d, 1.e(i) and (ii) and 1.f
- 3.a, 3.b, 3.c, 3.d, 3.e
- 5.a
- 6.a, 6.b and 6.c.

Mr White did not consider that any of the admitted allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr White denied all of the other allegations.

Preliminary applications

There were no preliminary applications.

Amended allegations

The panel also considered an application from the presenting officer to amend the wording of the allegations as it had been set out in the notice of proceedings dated 22 December 2021.

On or around 17 March 2021, an amended list of allegations had been produced by the TRA. Mr White had sight of these amended allegations prior to producing his written witness statement for the hearing and had responded to the amended allegations within his written witness statement. There was no objection to the amendments to the allegations from the teacher's representative.

The panel deliberated and then granted the application. The amended allegations are set out above under the subheading 'Allegations'.

Vulnerable witness

The panel considered an application from the presenting officer that Pupil A [Redacted]

The panel heard submissions from both the presenting officer and the teacher's representative on the application before reaching its decision. The teacher's representative did not oppose the measures requested.

After deliberating on the issue, the panel accepted the application. [Redacted]

Private hearing

The panel considered an application from the presenting officer that part of the hearing - [Redacted] - should be heard in private. The panel also considered an application from the teacher's representative that part of the hearing - [Redacted] - should be heard in private.

The panel heard submissions from the presenting officer and the teacher's representative on their respective applications before reaching its decision. There were no objections to either application.

The panel deliberated and then granted the application. The panel considered it was not contrary to the public interest for the parts of the hearing, which were subject of the applications, to be heard in private.

Additional documents

The panel considered applications from both the presenting officer and the teacher's representative for the admission of additional documents. The teacher's documents included his witness statement, a further statement from Mr White and further character statements. The TRA's additional documents included Pupil A's witness statement and exhibits A1-A15.

Both the TRA's and the teacher's additional documents were not served in accordance with the requirements of paragraph 4.20 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures"). As such, the panel was

required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures.

The panel heard representations from both the presenting officer and the teacher's representative on each application. There was no objection to the admission of the additional documents by the presenting officer or by the teacher's representative.

The panel considered that both the TRA's additional documents and the teacher's additional documents were relevant documents and would assist the panel in determining issues in the hearing. Accordingly, the documents were added to the bundle.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil List and list of key people – pages 5 to 9
- Section 2: Notice of referral, notice of proceedings and responses – pages 10 to 26
- Section 3: TRA witness statements – pages 27 to 44
- Section 4: TRA documents – pages 45 to 205
- Section 5: Teacher documents – pages 206 to 213.

In addition, the panel agreed to accept the following additional documents to the bundle:

- Teacher's additional documents including the witness statement of Mr White – pages 214 - 232
- The TRA's additional documents including the witness statement of Pupil A – pages 233 to 422
- Amended allegations – pages 423 to 425.

Given there was no time to repaginate the bundle at the start of the hearing, the original pages numbers in the additional documents were referred to during the course of the hearing.

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

The panel received the additional documents the day before the hearing and so required time at the start of the hearing to read those additional documents before witness evidence was considered.

Witnesses

The presenting officer called the following witnesses to give oral evidence:

- Pupil A.
- Individual B [Redacted].

Mr White did not attend the hearing and he did not call any witnesses to attend the hearing.

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 White had been employed at The Sixth Form College Farnborough (“the College”) as a teacher from 29 August 2007 until 30 August 2019. Mr White had initially joined the College as a music tutor. During the course of his employment, Mr White took on the role as a personal tutor. In January 2015, Mr White was appointed as curriculum manager for musical performance at the College. Mr White was also a music teacher at the College.

Pupil A was a pupil at the College from September 2015. Pupil A completed her A-Level examinations at the College in the summer of 2017. Mr White was Pupil A’s [Redacted] while she was studying at the College.

On or around 4 July 2019, Pupil A and her parents each wrote to the College in relation to serious allegations of misconduct and unprofessionalism by Mr White relating to Pupil A. The alleged misconduct spanned Pupil A’s time at the College as well as after she had left the College and had gone to university.

On or around 11 July 2019, the College suspended Mr White and referred the allegation to the LADO. On or around 23 August 2019, the College held a disciplinary meeting and Mr White was dismissed for gross misconduct.

On or around 26 September 2019, Mr White appealed his dismissal but was unsuccessful. The College referred the matter to the TRA on or around 15 October 2019.

Findings of fact

The panel's findings of fact on each of the allegations are as follows:

1. **On one or more occasions, between or around September 2015 and July 2017, when Pupil A was a student at the College, you:**
 - a. **told Pupil A to buy “slutty” underwear that pushed her cleavage “up as much as possible” for a role in a musical;**
 - b. **made a comment in front of students that Pupil A gave [Redacted] a “right show” when the stitching on a split on Pupil A’s dress came undone;**

When considering this allegation, the panel noted Pupil A had not referred to this allegation when she had written to the College to raise numerous complaints about the conduct of Mr White on 4 April 2019. At the hearing, Pupil A stated to the panel that she had not recalled this allegation when she had written to the College on 4 April 2019 and it was only when she had reflected on the matters further, prior to the hearing, that she had considered this incident had been inappropriate and a further example, in her mind, of the inappropriate conduct of Mr White.

The panel considered that there were a number of allegations against Mr White which spanned a significant period of time and considered it unsurprising that Pupil A had not recalled each and every allegation in her initial letter to the College on 4 April 2019. Pupil A had requested not to be involved in the College’s investigation so had not expanded on her initial allegations during the course of the College’s investigation.

The panel found Pupil A to be a compelling and credible witness. The panel considered that Pupil A was consistent in her evidence at the hearing. In respect of this allegation the panel considered that Pupil A did give detailed evidence of the circumstances around the comments.

When considering all the allegations the panel considered the suggestion Mr White made during the College’s investigation that the allegations made by Pupil A were “malicious”. On considering all of the evidence and hearing the evidence of Pupil A, the panel concluded that there was no evidence to suggest that Pupil A had an ulterior motive and/or anything to gain in making allegations against Mr White. Indeed, Pupil A gave compelling evidence of the detrimental impact her participation in these proceedings had had on her.

Mr White did not attend the hearing or call any witnesses to attend the hearing. The panel did not have an opportunity to ask questions of Mr White in relation to the written statements he had provided and the evidence within the bundle.

On considering the written evidence of Mr White provided during the College's investigation and as part of this hearing, the panel considered that there were a number of inconsistencies in his evidence. On the whole and having considered all the documents in the case and the oral evidence provided at the hearing, the panel preferred Pupil A's evidence to Mr White as it found her to be a more credible witness.

The panel concluded that on the balance of probabilities, it was more likely than not that Mr White had in fact made the statements contained within allegations 1.a and 1.b. The panel found these allegations proved.

c. met and/or invited Pupil A to meet outside of school hours;

Mr White denied this allegation. The panel noted that in his written statement Mr White had stated, "I had never asked Pupil A to meet outside of College hours between or around September 2015 and July 2017 when Pupil A was a student at the College." However, the panel considered that there was compelling evidence within the bundle that Mr White had in fact invited and/or met with Pupil A outside of school hours whilst she had been a pupil at the College.

The panel considered a text message from Mr White to Pupil A, on 9 April 2017 at 23:29, during the Easter holidays, in which he stated: "Sure, ok. I'm just a bit unsure how to give feedback online for composition...might easier to try and meet or talk about changes/how to improve." As an aside, the panel noted that this message also involved non-College work related statements from Mr White, for example, "Well not really recovered yet. Just watching match of the day."

The panel also considered a text message exchange between Pupil A and Pupil J on 26 May 2017 in which Pupil A described to Pupil J how Mr White had driven to a train station to say goodbye to her: "So you know I said Harry [Mr White] wanted to talk to me before I left", "Anyway he was like 'oh I needed to get a paper from the station anyway I'll come'" "So Harry drove all the way to the station to say goodbye to me" "He said how much he's going to miss me and I said the same and then I felt all emotional (didn't cry) and yeah we hugged and then this kid from the music department saw us and it got a bit awkward idk".

The panel also noted the text message conversation within the bundle between Pupil A and Pupil K in which Pupil A had stated on 17 July 2017, during the summer holidays, "Just gonna keep it casual, just say it doesn't feel right to meeting up for lunch unless Individual C [Redacted] is 100% okay with it... I said a group scenario lunch would be better or just go for coffee because that's more chill."

The panel also considered text messages between Pupil A and Pupil J on 10 May 2017, including those in which Pupil A had specifically written, "That was obviously the reason he wanted to meet for coffee", " So glad I went basically" and "walk to get coffee**". The

panel considered this contemporaneous evidence corroborated the oral evidence provided by Pupil A at the hearing that, whilst she was still a pupil of the College, she and Mr White had walked to an Esso garage to get coffee.

The panel considered that at the hearing, Pupil A gave detailed and compelling evidence that whilst she was a pupil of the College she had been invited to or had met with Mr White outside of school hours. The panel considered that Pupil A's evidence was supported by contemporaneous text exchanges she had with her friends. The panel had no reason to doubt that what Pupil A had stated to her friends in those text messages was an exaggeration or had been fabricated.

The panel found the facts of allegation 1.c to be proved.

- d. gave your personal contact details to Pupil A;**
- e. contacted Pupil A;**
 - i. using your personal contact details;**
 - ii. after school hours;**

The panel noted that Mr White admitted the facts of allegations 1.d. and 1.e(i) and (ii).

The panel found that Mr White had provided Pupil A with his phone number when he initiated a text with Pupil A from his personal mobile phone, on 9 April 2017 at 22:58. Mr White had texted, "[Pupil A], sorry to txt late. Harry here. No gmail currently. Can I just check, how have u left comp with [Redacted]? Can we work on it over easter. Hope all is well. H".

The panel found allegation 1.d to be proved.

In respect of allegation 1.e(i) and (ii), the panel considered that there was extensive evidence within the bundle which showed that from 9 April 2017, Mr White engaged in frequent text message correspondence with Pupil A on his personal phone whilst she was a pupil at the College.

The panel considered there was evidence, particularly in the contemporaneous messages between Pupil A and Pupil J and with Pupil K, that Mr White had been in correspondence with Pupil A by text and by phone. Further, the panel considered that there was evidence that the correspondence had been regular and had taken place outside of school hours and late at night.

The panel considered that it was wholly inappropriate for Mr White to be texting Pupil A. The panel noted numerous examples of evidence within the bundle that the text message correspondence and phone conversations related to non-school related matters including social and personal matters. The panel noted that Mr White introduced putting kisses

('xxx') at the end of his text messages. The panel noted that Pupil A had been shocked and had been made to feel uncomfortable by the fact Mr White had initiated the conversation and had informed Pupil A's friend at the time, on 11 April 2017, "I'm trying to remind him of our teacher-pupil relationship by like subtly talking about college."

The panel noted evidence that during the course of the conversations, Mr White had become aware of information relating to Pupil [Redacted]. The panel considered a text message from Pupil A to Pupil J on 2 June 2017 sent at 13:45. [Redacted].

The panel noted that there was contemporaneous evidence that Mr White had contacted Pupil A about matters of a sexual nature or of a flirtatious nature and concluded was more likely than not that this had occurred. The contemporaneous evidence was supported by the oral evidence which Pupil A provided at the hearing when questioned.

On or around 13 April 2017, four days after Mr White had initiated the text conversation with Pupil A, he texted Pupil A, "I'm sure it'll look amazing not tempted by the [Redacted]. Pupil A informed the panel at the hearing that this had been a reference to the [Redacted] dress for the character she had played in the College's [Redacted] musical which Mr White had played a key part in organising. The dress had been a revealing red dress for, as Mr White describes, a "risqué" part in the musical. Having considered all the circumstances the panel considered this was a flirtatious comment by Mr White.

On 31 May 2017 at 21:25, Pupil A informed Pupil J that, "Me and Harry are having our final night of 4 questions and he just asked me if I've ever watched porn". Moreover, Pupil A also informed Pupil J on 31 May 2017, "I don't actually fancy Harry though flirting just seems to happen yanno", "Like it's flanter" "Flirty-banter" "..with Harry it's flanter".

On 5 June 2017 at 19:40, Pupil A informed Pupil J that Mr White had described a graphic sex scene to Pupil A in the television series 'House of Cards' in which an older 50 year old politician had performed a sexual act on a 19 year old girl. The panel found this sexualised topic of discussion was entirely inappropriate as Mr White was Pupil A's teacher at the time.

The panel paid note to evidence that suggested Mr White did not consider the relationship to be just platonic. The panel noted that on 29 June 2017 Pupil A had texted Pupil J and stated, "Me and Harry had such an honest conversation". When asked what the conversation had been about Pupil A stated that she and Mr White had discussed, "Everything" and "How are friendship isn't totally platonic and we need to put up boundaries and I need to meet his fam so Individual C doesn't feel weird about it." The panel found, having considered all the evidence, that it was more likely than not this conversation had taken place.

The panel found allegations 1.e(i) and (ii) to be proved on the balance of probabilities.

f. drove Pupil A in a personal vehicle;

Mr White admitted that he had driven Pupil A in his car but submitted that he had only done so on one occasion whilst she had been a pupil. The panel noted the evidence given by Mr White at the College's initial investigation meeting had been inconsistent with the written evidence he provided for this hearing, this was a further reason for the panel preferring the evidence of Pupil A.

The panel considered that Pupil A gave compelling evidence that Mr White had driven her in his car on more than one occasion whilst she had been a pupil at the College. The panel noted that on 2 May 2017, Pupil A informed Pupil J that Mr White had text her to offer her a lift home. Although this was an offer of a lift the panel considered this supported Pupil A's account that other lifts had taken place.

The panel found this allegation proved.

g. while driving Pupil A, you

i. asked Pupil A whether she had made herself orgasm before;

ii. asked Pupil A whether she "had done it yet", by which you meant whether or not Pupil A had orgasmed;

The panel considered the evidence that Pupil A and Mr White had become involved in a game of four questions in which they each asked each other four questions to get to know each other better. The panel also took into account that there was contemporaneous evidence that Mr White had asked Pupil A if she had ever watched porn.

On examination of all the documents and given the panel's determinations in relation to the credibility of the evidence of Pupil A and Mr White, the panel considered that on the balance of probabilities it was more likely than not that Mr White had made these comments to Pupil A.

h. asked Pupil A whether she was "pleasing" herself, by which you meant whether she had masturbated;

On examination of all the documents and given the panel's determinations in relation to the credibility of the evidence of Pupil A and Mr White, the panel considered that on the balance of probabilities it was more likely than not that Mr White had made this comment to Pupil A.

i. touched Pupil A by putting:

- i. your hand on her knee;**
- ii. wrapping her arms around your waist and/ or putting your hands on her hips, pulling her hips in closer to yours.**

The panel noted that Pupil A gave detailed evidence in relation to the circumstances in which the hand on the knee allegation had occurred and concluded that it had been an intentional touching of Pupil A's knee.

The panel noted that there was evidence in the bundle that Mr White had hugged Pupil A whilst she had been a pupil of the College. The panel noted Pupil A's text message to Pupil K on 16 July 2017 at 20:58:

"I was gonna keep this to myself but on thursday night he was quite drunk and there was point when he hugged me and we both slowly pulled away and I thought he was gonna kiss me... anyways I got over that but he's asked me to meet him for lunch on tuesday and I spoke to mum about it and she feels a bit weird about me meeting him one on one".

The panel considered that on balance, Mr White had hugged Pupil A as set out in allegation 1.i(ii).

On examination of all the documents and given the panel's determinations in relation to the credibility of the evidence of Pupil A and Mr White, the panel considered that on the balance of probabilities it was more likely than not that Mr White had committed these acts. The panel found this allegation proved.

Accordingly the panel found the facts of allegation 1 proved in its entirety.

2. In or around June 2017, during a College music trip, you:

- a. described a sexual dream to Pupil A;**
- b. held Pupil A's hand;**
- c. rested your head on Pupil A's right shoulder.**

The panel considered that Pupil A had given detailed, compelling and consistent evidence in relation to allegation 2.a. The panel noted that Pupil A had been precise in her recollection of this incident.

When considering allegation 2.a the panel noted Pupil A's text message to Pupil K on 16 July 2017 at 20:58, as referred to at allegation 1.i above.

In respect of the allegation 2.b and 2.c the panel gave more weight to the evidence of Pupil A who the panel found to be a more credible witness than Mr White and Individual D [Redacted]. The panel

considered the extremely brief written statement of Individual D in which she stated, “I did not at any time see them holding hands”. The panel considered that Individual D’s written statement had lacked the level and extent of detail the panel would have expected, particularly given the significant role that the evidence suggested she had played in the relationship between Pupil A and Mr White over an extensive period of time.

On examination of the documents before the panel, and on consideration of the oral evidence, the panel was satisfied that allegations 2.a, 2.b and 2.c were proved.

3. On one or more occasions between July 2017 and July 2018, after Pupil A had left the College, you:

- a. contacted Pupil A using your personal contact details;**
- b. gave Pupil A gifts;**
- c. requested photographs of Pupil A’s friends and/or family;**
- d. sent Pupil A photographs;**
- e. invited Pupil A to your house;**
- f. told Pupil A not to contact friends and family when Pupil A was homesick.**

The panel noted that Mr White admitted the facts of allegations 3.a, b, c, d, and e. Notwithstanding Mr White’s admissions, the panel made its own determination on the facts of these allegations on all of the evidence before it, and the oral evidence it had heard at the hearing.

The panel noted the evidence of gifts which Mr White had given Pupil A in the summer of 2017 which included:

- Two books which Mr White had bought Pupil A in the summer of 2017. Mr White had included a personalised note inside one of these books.
- A CD of musical pieces which Pupil A performed whilst she was at College. The panel noted that the CD was marked “To my dearest / Never forget Some Musical Memories”.
- A photograph of Mr White and his family.
- A poem which Mr White had written for Pupil A.

The panel considered that the extent of these gifts and the personal messages clearly supported the position that Mr White had formed an intense and inappropriate relationship with Pupil A by the end of the summer term.

Mr White gifted two further books to Pupil A at Christmas 2017, along with a photo collage of pictures of Pupil A. Mr White had asked Pupil A to send him photos of Pupil A with friends and family. Also, the panel noted that Mr White has provided Pupil A with a football scarf.

The panel noted an apparent admission from Mr White during the College's investigation that the messages he had exchanged with Pupil A during this period had included messages which included sexual content. Mr White had stated, "Messages containing sexual content...To reiterate succinctly, such messages formed a tiny percentage of our general correspondence."

On examination of the documents before the panel and on consideration of the oral evidence, the panel found the facts of allegations 3.a.b.c.d.e and 3.f to be proven.

4. On one or more occasions between July 2017 and July 2018, after Pupil A had left the College, you

a. told Pupil A:

- i. to send you photographs of Pupil A in underwear;**
- ii. to create and/or tell you pornographic stories;**
- iii. "carry on" and/ or "that's hot" or words to that effect, while masturbating;**
- iv. to masturbate;**
- v. to orgasm audibly;**
- vi. to tell you stories about threesomes or words to that effect;**

b. masturbated in front of Pupil A, on a Skype video call.

Having considered all the evidence and the compelling oral evidence of Pupil A, the panel considered it was more likely than not that allegations 4.a and 4.b had taken place. The panel gave more weight to the evidence of Pupil A as they considered she was a more credible than Mr White.

When reaching its conclusions on these allegations, the panel considered the evidence around which the allegations were framed, namely that Mr White had introduced sexualised content into his correspondence with Pupil A.

The panel noted Mr White's statement, on or around 31 July 2019, "We may well have exchanged about 30 pictures. These were all in the context of friendship." "Pupil A went shopping for swimwear, and asked if I wanted to see what she had bought. Likewise she

described some new underwear and we spoke about it in as [sic] underwhelming, practical way. Any pictures she sent didn't show anything that you wouldn't see on an average beach."

In the panel's opinion, Pupil A had given detailed and compelling evidence when describing what had taken place during the Skype video call.

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied that these allegations were proved on the balance of probabilities.

5. Between 5 August 2018 and 15 January 2019, you told Pupil A to:

- a. delete correspondence with you;**
- b. keep correspondence with you "confidential".**

The panel noted Mr White admitted the facts of allegation 5.a. As with Mr White's other admissions, the panel made its own determination on the facts of this allegation on all of the evidence before it and the oral evidence it had heard at the hearing.

The panel considered a long email from Mr White to Pupil A on 5 August 2018 in which he stated, "Please delete this but also do keep it confidential because I feel so vulnerable expressing it; but for my own sake/health in the future I have to express this summary of things in order to move on with this new chapter". Further, in an email dated 15 January 2019 at 10:29, Mr White wrote "I would just ask that you keep this confidential, as again as you know I find this process so hard it is humiliating to think of my intimate thoughts shared."

The panel noted Mr White had mentioned he believed he had an [Redacted]. The panel was not convinced from considering all the content in the email that this had been the reason he had asked Pupil A to delete email and keep emails confidential.

The panel found the facts of both allegation 5.a and 5.b. to be proved.

6. By your conduct set out above:

- a. you failed to follow School policies and procedures;**
- b. you failed to observe a proper boundary appropriate to a teacher's professional position;**
- c. you failed to take appropriate steps to safeguard the wellbeing of pupils and/or former pupils.**

The panel noted Mr White admitted the facts of allegation 6.a. 6.b and 6.c. The panel made its own determination on the facts of this allegation on all of the evidence before it, and the oral evidence it had heard at the hearing.

The panel concluded that Mr White had clearly failed to follow a number of College's policies and procedures, including those set out in the College's Staff Code of Conduct and the College's Child Protection Procedures. Examples within these policies included: that it was not appropriate to give pupils' personal and informal gifts, College staff must not develop online relationships with pupils or parents, College staff must not give lifts, staff must avoid unnecessary physical contact, and that staff must not undertake any actions which may bring the College into disrepute and not engage with pupils on social media.

Having considered all the evidence, the panel was in no doubt that Mr White had failed to observe proper boundaries appropriate to the teaching profession. Further, the panel considered that on the evidence Mr White had certainly failed to take appropriate steps to safeguard the wellbeing of Pupil A.

The panel heard evidence from Individual B [Redacted], that Mr White was an experienced teacher who had been trained extensively in safeguarding. It was evident that Mr White would have been fully aware of the inappropriateness of his actions which made the panel even more concerned of the conduct he had engaged in.

The panel found the facts of allegation 6 proven.

7. Your conduct in paragraph 1 - 4 was sexually motivated in that you:

- a. acted in pursuit of a sexual relationship;**
- b. acted in pursuit of sexual gratification.**

The panel's attention was drawn to *s78 Sexual Offences Act 2003* and to the case of *Sait v General Medical Council [2018]*.

In respect of the issue of motivation, the panel considered that Mr White's conduct in respect of allegations 1, 2, 3 and 4 had been either in pursuit of sexual gratification or in pursuit of a sexual relationship.

The panel was satisfied, having scrutinised all the evidence, that sexual motivation could be inferred on the balance of probabilities.

The panel concluded that the words and conduct of Mr White and the context in which those words and actions had occurred, indicated that Mr White's conduct was sexually motivated.

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied on the balance of probabilities that these allegations were proved.

8. By reason of your conduct in paragraph 5, you failed to act with integrity.

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority [2018] EWCA Civ 366* in reaching its decision on this allegation.

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied that, on the balance of probabilities, Mr White's actions taken in paragraph 5 of the allegations lacked integrity.

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

The panel went on to consider whether the facts of the 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 White, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr White 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 College, 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
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the College in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 White amounted to misconduct of a serious nature which fell considerably short of the standards expected of the teaching profession.

The panel noted that some of the allegations had taken place outside of the College setting, and some allegations after Pupil A was no longer a pupil at the College; but that this conduct had been part of a continuous pattern of extensive behaviour, consistent with the characteristics of grooming. Therefore, the panel was significantly concerned that such behaviour would affect the way Mr White fulfils his teaching role and it may lead to pupils being exposed to or influenced by such behaviour in a harmful way.

The panel was satisfied that Mr White 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 considered, the findings of misconduct were 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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

In summary, having found the facts of all of the allegations proved, the panel found that Mr White'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.

The panel noted when considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. The panel was aware prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mr White, which involved sexual misconduct and which had been part of a continuous pattern of extensive behaviour, consistent with the characteristics of grooming, the panel determined there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr White 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 White was far outside that which could reasonably be tolerated.

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 White.

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 White. 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 seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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

The panel considered that Mr White's actions were deliberate and calculated. The panel considered that Mr White was an experienced teacher who had extensive training in safeguarding and would have been fully aware that the conduct he embarked on was wholly inappropriate. Furthermore, the evidence presented to the panel indicated that Mr White placed some degree and responsibility on Pupil A which demonstrated an unacceptable lack of insight into his conduct and significant impact this had on Pupil A.

There was no evidence to suggest that Mr White was acting under duress.

The panel noted that Mr White had provided some written character references that could attest to his history and ability as a teacher. The panel noted no character witnesses attended the hearing.

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 White 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 White. The severity of the allegations as found proved by the panel was a significant factor 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. One of these behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr White was responsible for serious sexual misconduct.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has made a recommendation to the Secretary of State that Mr Harry White should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr White 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 College, 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
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the College in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr White fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a number of findings including, serious sexual misconduct, which was sexually motivated, failure to act with integrity, failure to follow school policies and procedures, failure to observe proper boundaries with pupils, failure to take appropriate steps to safeguard wellbeing of pupils.

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 White, 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, “on the evidence Mr White had certainly failed to take appropriate steps to safeguard the wellbeing of Pupil A”, “Mr White was an experienced teacher who had been trained extensively in safeguarding. It was evident that Mr White would have been fully aware of the inappropriateness of his actions which made the panel even more concerned of the conduct he had engaged in” and “the panel was significantly concerned that such behaviour would affect the way Mr White fulfils his teaching role and it may lead to pupils being exposed to or influenced by such behaviour in a harmful way”. A prohibition order would therefore prevent such a risk from being present in the future.

There was limited information from the panel on evidence of insight and remorse, although I have taken into account the panel’s comments, “the evidence presented to the panel indicated that Mr White placed some degree and responsibility on Pupil A which demonstrated an unacceptable lack of insight into his conduct and significant impact this had on Pupil A”. In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts pupils at risk. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “In the light of the panel’s findings against Mr White, which involved sexual misconduct and which had been part of a continuous pattern of extensive behaviour, consistent with the characteristics of grooming, the panel determined there was a strong public interest consideration in respect of the protection of pupils”. I am particularly mindful of the finding of prolonged and serious sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr White himself. The panel comment “The panel noted that Mr White had provided some written character references that could attest to his history and ability as a teacher”.

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

In this case, I have placed considerable weight on the panel’s comments concerning sexual misconduct. The panel has said, “In the light of the panel’s findings against Mr White, which involved sexual misconduct and which had been part of a continuous pattern of extensive behaviour, consistent with the characteristics of grooming, the panel determined there was a strong public interest consideration in respect of the protection of pupils”.

I have also placed considerable weight on the finding of the panel that Mr White’s actions were deliberate and calculated. The panel considered that Mr White was an experienced teacher who had extensive training in safeguarding and would have been fully aware that the conduct he embarked on was wholly inappropriate.

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons. The panel found that Mr White was responsible for serious sexual misconduct”.

I have considered whether not allowing for a 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, due to the serious sexual misconduct found proven over a prolonged period, with little evidence of insight and remorse, it means that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Harry White is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr White shall not be entitled to apply for restoration of his eligibility to teach.

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

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 31 March 2021

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