

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Miss Hannah Bryan  
**Teacher ref no:** 0061044  
**Teacher date of birth:** 1 October 1978  
**TA Case ref no:** 7798  
**Date of Determination:** 5<sup>th</sup> July 2012  
**Former Employer:** Poole Grammar School, Dorset

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### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 5<sup>th</sup> July 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Miss Hannah Bryan.

The Panel members were Mr John Pemberton, Professional Panellist – in the Chair, Mr Michael Simon, Lay Panellist and Mr Adam Nichols, Lay Panellist.

The Legal Adviser to the Panel was Mr Angus Macpherson of Counsel.

There was no Presenting Officer for the Teaching Agency as this was a Professional Conduct Panel Meeting.

Miss Hannah Bryan was not present, nor represented as this was a Professional Conduct Panel Meeting.

The meeting took place private and was not recorded. The announced decision was given in public and recorded.

### **B. Allegations**

The Panel considered the allegation in the Notice of Referral dated 1<sup>st</sup> July 2011.

It was alleged that Miss Hannah Bryan was guilty of unacceptable professional conduct in that:

1. she engaged in inappropriate and unprofessional behaviour with Pupil A, in that she:
  - a. allowed him to visit her home on two separate occasions;

- b. engaged in inappropriate email correspondence with him.
2. she has a Caution recorded against her name for “Sexual Activity with male 13-17, offender does not believe victim is 18 or over, abuse of position of trust on 01/01/09 – 07/09/09” which was issued by Dorset Police on 15<sup>th</sup> September 2009.

Miss Bryan admitted the particulars of the allegation and that those facts amounted to unacceptable professional conduct.

### **C. Summary of Evidence**

#### Documents

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

Section 1		
Response Pro Form - Notice of Referral	1 <sup>st</sup> July 2009	Pages 1 - 5
Notice of Meeting	18 <sup>th</sup> April 2012	Pages 5a – 5b
Section 2		
Statement of Agreed Facts	19 <sup>th</sup> September 2011	Pages 6 – 9
Representations of Presenting Officer	21 <sup>st</sup> September 2009	Pages 10 – 11
Representations of Teacher	21 <sup>st</sup> September 2009	Pages 12 – 13
Confirmation (included in an email) of Teacher sending in representations	21 <sup>st</sup> September 2009	Pages 14 - 16
		Pages 23 - 25
Section 3		
GTC (TA) Documents		Pages 17 – 64

The Panel Members confirmed that they had read all of the documents in advance of the meeting.

#### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

There was a statement of agreed facts which reflected the particulars of the allegation. Miss Bryan was employed at Poole Grammar School, Dorset from 1 November 2002 until 18 September 2009, when she resigned. Miss Bryan permitted a male 6<sup>th</sup> form student to visit her at her home on 2 occasions. On the second occasion on 14<sup>th</sup> May 2009, they slept together. Thereafter there was personal e-mail correspondence passing between them.

## **D. Decision and Reasons**

### Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Miss Bryan proven, for these reasons:

1. She engaged in inappropriate and unprofessional behaviour with Pupil A, in that she:
  - a. allowed him to visit her home on two separate occasions;
  - b. engaged in inappropriate email correspondence with him.
2. She has a Caution recorded against her name for “Sexual Activity with male 13-17, offender does not believe victim is 18 or over, abuse of position of trust on 01/01/09 – 07/09/09.

Miss Bryan admitted the particulars of the allegation in the agreed statement of facts on pages 6 – 8 of the bundle.

### Findings as to Unacceptable Professional Conduct

Having found the particulars of the allegations proved as set out above, the panel further finds that Miss Bryan’s actions amount to unacceptable professional conduct. The panel noted that Miss Bryan admitted unacceptable professional conduct. In the view of the panel that was a correct admission. Miss Bryan was in breach of the Code of Conduct and Practice for Registered Teachers effective from 1<sup>st</sup> November 2004. She failed to comply with relevant statutory provisions which support the wellbeing of pupils. She brought the reputation and standing of the profession into serious disrepute. She did not follow the school’s policies and procedures relating to the protection of children and young persons and the relationships between staff and pupils.

## **Panel’s Recommendation to the Secretary of State**

The panel’s starting point in considering Miss Bryan’s case is that sexual activity between a teacher and a pupil, albeit it a pupil aged 17, is entirely unacceptable. It is an abuse of trust. The sexual activity in this case on 14<sup>th</sup> May 2009 involved sexual intercourse. It took place in Miss Bryan’s home. Thereafter there was an exchange of e-mails which did not disclose any sense of disquiet or regret on the part of either Pupil A or, more particularly, on the part of Miss Bryan. The matter only came to light when the girlfriend of Pupil A passed information onto her therapist, who reported the matter to the local authority.

The panel noted the points in mitigation submitted by Miss Bryan. She commenced teaching in November 2002. She had reached the top of the normal pay scale and successfully applied to be placed on the Upper Pay Scale. There was no history of

untoward matters. She organised an annual ski trip for Year 9 pupils. Ian Carter, the Headmaster of Poole Grammar School, noted that Miss Bryan had a good relationship with pupils. The matters complained of constituted an isolated incident.

As to the incident of sexual activity, Miss Bryan explained that Pupil A had come round to her flat on two occasions, the latter occasion to collect essays. It was on the second occasion that she says the incident resulting in the caution happened. She stated that this was a completely unpremeditated moment which she deeply regrets. She stated that she was under extreme stress, tired and feared for her job. She stated that her emotions were “clearly overwhelming” her and she was vulnerable. She fully accepts her responsibility, but she adds that she did not apply any persuasion or pressure on the student. Pupil A did not make the complaint. The referral to the ISA states that neither Pupil A nor his mother considers Pupil A to have been a victim of a crime.

The panel noted that Miss Bryan is reported in the School Investigation Strategy Meeting dated 10<sup>th</sup> September 2009 to have said in her police interview that she was aware that Pupil A had a crush on her.

Miss Bryan urged that she has lost her job, her career, her friends and her self respect. She acknowledged an abuse of her position of trust.

The panel has carefully considered whether or not to recommend a prohibition order. It has noted that Miss Bryan has breached the public interest inasmuch as she did not protect a young person in her care. By failing so to do, she has brought the profession into disrepute. She did not declare and uphold proper standards of conduct. Notwithstanding Miss Bryan’s mitigation the panel must conclude that there has been a serious departure from the professional standards of conduct expected of a teacher and there has been an abuse of a position of trust, albeit the student in question, Pupil A was not a vulnerable student. As a result, the panel has found unacceptable professional conduct. In these circumstances, the panel recommends to the Secretary of State that there should be a prohibition order.

The panel has considered whether it should recommend a period after which Miss Bryan may apply for the Prohibition Order, if such is made by the Secretary of State, to be set aside. The minimum period is two years.

The panel has decided that it should recommend a two year period. This was by no means at the higher end of cases of this nature. The endorsement of Miss Bryan as a teacher by the Head Teacher of the school both in terms of his observation as to her conduct with pupils and by her reaching the upper pay scale has weighed with the panel not only towards clemency but in accepting her version of the incident.

There is no contrary version from Pupil A. The panel does not find that any harm came to Pupil A. This was not a case of grooming, duress on the part of Miss Bryan or of a prolonged sexual relationship. The panel accepts that at the time of the incident, she was subject to stress. It recognises that the emails on the 2 days after the encounter do not assist her case, but they were limited in duration to that period. The Head Teacher’s observations have caused the panel to take the view that Miss Bryan could have a future in teaching.

It is not concerned about a repetition of her behaviour. Had that been of concern, it seems to the panel that this would not have been an isolated event. Its concern has been for the reputation of the profession. The period of two years before such time as she can apply for the prohibition order to be set aside will present to her the prospect of being able to return to the profession for which she has trained and in which she had been highly regarded.

### Secretary of State's Decision and Reasons

I have considered this case very carefully and I have taken into account the recommendations and findings of the panel.

Miss Bryan has admitted the facts of this case, and in addition the panel has found the facts proven. Miss Bryan also told the panel that she accepted that the facts of the case did amount to unacceptable professional conduct. Miss Bryan herself admitted that her behaviour was a clear abuse of her position of trust as a teacher.

The panel has considered the standards of behaviour expected of a teacher, and their recommendation is that a prohibition order is imposed. I have considered this recommendation and support it. Miss Bryan abused the position of trust that she held as a teacher and her behaviour has brought the profession into disrepute.

The panel has had the benefit of considering all of the mitigating circumstances in this case and has heard supporting evidence from Miss Bryan's head teacher. They recommend that a review period of 2 years is set, after which Miss Bryan may apply to the Teaching Agency to have the prohibition order reviewed. I have also considered this additional evidence and I support that view.

This means that Miss Hannah Bryan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the Prohibition Order to be set aside, **but not until 2014, 2 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Miss Hannah Bryan remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Miss Hannah Bryan has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

**NAME OF DECISION MAKER: Alan Meyrick**  
**DATE: 6 July 2012**