



National College for
Teaching & Leadership

Mr Michael Harrison: Professional conduct panel outcome

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

September 2017

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

Teacher: Mr Michael Harrison

Teacher ref number: 0338029

Teacher date of birth: 27 November 1969

NCTL case reference: 15318

Date of determination: 27 – 28 September 2017

Former employer: Oasis Academy, Wintringham

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27 and 28 September 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Michael Harrison.

The panel members were Ms Jean Carter (lay panellist – in the chair), Mr Martin Pilkington (lay panellist) and Mr Brian Hawkins (teacher panellist).

The legal adviser to the panel was Ms Eve Piffaretti of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Melinka Berridge of Kingsley Napley LLP solicitors.

Mr Michael Harrison was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 1 June 2017.

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

Whilst working as a teacher at Oasis Academy Wintringham (“the Academy”) he failed to maintain appropriate professional standards in that between 7 June 2010 and 9 June 2015 he:

1. Made inappropriate remarks to students including about their appearance and/or matters of a sexual or personal nature on one or more occasions;
2. Invited pupils to punch and/or touch his inner thigh and/or stomach on one or more occasions;
3. Bought chocolate for and/or gave chocolate to students as gifts, on one or more occasions;
4. Took photographs of students on his own camera and/or displayed photographs of students inappropriately on one or more occasions;
5. In relation to the Science ISA he :
 - a. Failed to meet one or more deadlines for putting marks into the Academy’s system;
 - b. Failed to securely store one or more ISA papers;
 - c. Inaccurately marked one or more ISA papers;
6. In or around April 2015, he failed to return students’ workbooks in a timely fashion and/or at all when they were required for the purposes of teacher scrutiny;
7. His actions in paragraph 5.c. were dishonest in that he knowingly awarded marks where there was no evidence to support it and/or where the answer contradicted the mark scheme;
8. His actions referred to at allegation 6 above were dishonest in that they were designed to conceal that many books were missing and/or that the remaining books contained very little student work and/or marking.

Mr Harrison has not admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

Proceeding in Absence

Mr Harrison was not present and not represented. The presenting officer applied to proceed with the hearing in the absence of Mr Harrison.

After hearing submissions from the presenting officer, and receiving legal advice, the panel announced the decision as follows:

The panel is satisfied that the Notice of Proceedings has been served in accordance with 'Teacher Misconduct - Disciplinary procedures for the teaching profession' (hereafter referred to as "the Rules") paragraph 4.11.

A Royal Mail Track and Trace information for the Notice of Proceedings, posted to Mr Harrison on 1 June 2017, has been signed on 2 June 2017 by "Harrison". The panel noted that Mr Harrison was sent further correspondence by Kingsley Napley LLP in relation the hearing arrangements. An inquiry agent has confirmed that the National College has sent correspondence including the Notice of Proceedings to the correct address.

The panel is satisfied that Mr Harrison is aware of the proceedings.

The panel has received no explanation from Mr Harrison as to the reasons for his non-attendance today. No application for an adjournment has been made for the purpose of Mr Harrison attending or being represented at the hearing at a later date.

The panel is satisfied that no purpose would be served by an adjournment as the panel has no evidence to indicate that Mr Harrison would attend on a future date.

The panel notes that the National College witnesses are present and ready to give evidence and that there is a public interest in continuing.

The panel is satisfied having regard to all the circumstances, that it is in the public interest to proceed. The panel will proceed in Mr Harrison's absence and will do so with great care and caution and with close regard to the overall fairness of the proceedings."

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 6

Section 2: Notice of Proceedings and response – pages 7 to 18

Section 3: National College witness statements – pages 18 to 36

Section 4: National College documents – pages 37 to 365

The panel was provided with a colour copy of the typed notes of conversations between Witness A and Students 1 to 10 (pages 86 to 96 of the case papers).

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

Witnesses

The panel heard oral evidence from:

Witness A, teacher and leader of standards for science, Oasis Academy, Wintringham.

Witness B, principal, Oasis Academy, Wintringham.

Mr Harrison was not present and did not give oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Harrison was employed at the Oasis Academy in Wintringham ("the Academy") as a leader for science on 7 June 1990. On 1 September 2013, Mr Harrison stepped down from that role and became a learning tutor for science.

On 18 May 2015, Individual A, a science cover teacher supplied by an agency, was covering Mr Harrison's Year 10 lesson. During the lesson, some of the Year 10 students made allegations about Mr Harrison's conduct towards them. Individual A reported this incident to Witness A, leader of standards for science. On 21 May 2015, Individual A covered one of Mr Harrison's Year 9 classes and a number of Year 9 students raised concerns about Mr Harrison's conduct towards them. On 22 May 2015, Individual A reported these allegations to Witness B, who was then the vice principal at the Academy, by email. After half term, Witness B commenced an initial investigation into Mr Harrison's conduct. On 1 and 2 June, she interviewed Students 1 to 5. They had made allegations against Mr Harrison. On 2 June 2015, Witness B reported the concerns that had been raised about Mr Harrison by the students to the Local Authority Designated Officer ("LADO") through the Allegations/Concerns Against staff: Reporting form for North East Lincolnshire Council ("the Council"). The LADO reported this to the Council's children's

services and the police. Subsequently, on 8 June 2015, Witness B and Individual B, HR manager at the Academy, attended a meeting with the LADO and the Council's children's services.

Mr Harrison was suspended from his role at the Academy on 9 June 2015 pending further investigation.

On 11 and 12 June 2015, Witness B re-interviewed Students 1 to 5 and also interviewed Students 6 to 10 who had been named by Students 1 to 5 during their interviews.

On 19 June 2015, Mr Harrison was interviewed by Witness B during a disciplinary investigation meeting in the presence of his union representative.

On 22 June 2015, Witness A made Witness B aware of concerns relating to Mr Harrison's marking of the Individual Skills Assignments ("ISAs"). Witness A was interviewed about the ISAs on 30 June 2015. Mr Harrison was invited to a meeting to discuss his conduct of ISAs but was unable to attend due to ill health until 6 July 2015.

A disciplinary hearing was held on 11 September 2015. Mr Harrison was dismissed from his role at the Academy on 16 September 2015. Mr Harrison appealed and an appeal hearing was held on 13 November 2015. Thereafter the matter was referred to the National College.

Findings of fact

Our findings of fact are as follows:

Allegations proven

The panel has found the following particulars of the allegations against you proven, for these reasons:

Whilst working as a teacher at Oasis Academy Wintringham ("the Academy") you failed to maintain appropriate professional standards in that between 7 June 2010 and 9 June 2015 you:

- 1. Made inappropriate remarks to students including about their appearance and/or matters of a sexual or personal nature on one or more occasions;**

The panel has found the facts of this allegation proved, on the balance of probabilities. The panel has not had the benefit of any direct oral evidence in relation to this allegation. However, the panel has heard oral evidence from Witness B concerning the methodology that she followed when individually interviewing 10 students and compiling the written account of their evidence. The panel has been provided with a colour copy of the typed notes of conversations that took place between Witness B and Students 1 to 10 (pages 86 to 96). The panel also has considered the statement prepared for Student 5 by the

National College. Witness B told the panel that she knew the students that she interviewed as she had taught them. The panel found Witness B to be a credible witness who provided clear and consistent evidence.

The panel is satisfied that Mr Harrison made inappropriate remarks to students including about their appearance and/or matters of a sexual or personal nature and that these comments were made to students in Years 9 and 10. The reasons for finding that Mr. Harrison's remarks were inappropriate are as follows:

- Students 1 and 3 were in the same Year 9 class. Student 1 reported that Mr Harrison had told her that she was "beautiful". Student 3 reported that Mr Harrison told girls in the class that they were "beautiful". Student 5 was a student in a Year 10 class, and she said that he told her that she was "really pretty" and "always complimented her hair and facial features".
- Student 1 also reported that Mr Harrison said that she had a nice figure, that she was not underdeveloped and did not get why people were horrible to her.

Mr Harrison accepted that he made comments about students' appearance. During the Academy's disciplinary hearing on 11 September 2015 ("the disciplinary hearing"), he stated that "he was just being nice".

The panel noted the consistency and weight of evidence provided by three students and Mr Harrison's own acceptance that he had made comments about students' appearance during the disciplinary hearing. The panel is satisfied that it is more likely than not that Mr Harrison told female students in his Year 9 class that they were beautiful and that he told Student 1 that she was beautiful and that that she had a nice figure, was not underdeveloped and that he did not get why people were horrible to her.

The panel consider that Mr Harrison's remarks to Year 9 female students were overly familiar and inappropriate.

A number of students in the Year 9 group reported to Mr Jackson that Mr Harrison had spoken of his son's first experience of an erection. Subsequently, during individual interviews, Student 1 and Student 3 told Witness B that Mr Harrison had told the Year 9 class about his son's first experience of an erection. During his disciplinary investigation meeting, Mr Harrison was asked about whether he mentioned his son's first erection to his Year 9 class. He stated that he had but that it was in the context that they were talking about this in sex education in biology. The panel noted that according to Mr Harrison's timetable he did not teach that Year 9 class biology. The panel is satisfied that it is more likely than not that Mr Harrison told his Year 9 class about his son's first erection and that this was not in discussed in a teaching context. The panel considers that Mr Harrison's remarks to his Year 9 students about his son's erection were inappropriate.

Accordingly, the panel is satisfied on the balance of probabilities, that this allegation is proved.

The panel considered other remarks alleged to have been made by Mr Harrison to students as follows:

- Student 1 also reported that Mr Harrison mentioned the word 'shed' in front of other students in the context that she had 'done stuff' with somebody in a shed and he had found out about it. Mr Harrison had no recollection of this and only Student 1 made reference to this remark.
- Student 1 also said that Mr Harrison had made jokes about boys' private parts and recalled an occasion when he referred to a student having a small "wiener". Mr Harrison denied this and stated that he wouldn't use the word "wiener". Only Student 1 reported to Witness B that Mr Harrison made remarks about boys' private parts. The panel is not satisfied that there is sufficient evidence to establish that Mr Harrison made such remarks.
- Student 4, a Year 10 student, told Witness B that, during a class, Mr Harrison stuck a sticker on his bottom and then asked her why she was staring at his bum and he was going to report her for doing so. Mr Harrison accepted that he had stuck a sticker on his bottom. His explanation for doing so was that the class were studying graphs and he was teaching them that "time always goes on the bottom". However, he did not accept that he had made this comment to Student 4. Students 9 and 10, also members of the Year 10 class, stated that Mr Harrison had stuck a sticker on his back. No other students confirm that the remark alleged was made by Mr Harrison to Student 4. Therefore, the panel is not satisfied that there is sufficient evidence to establish that Mr Harrison made this remark.
- Student 5 stated that Mr Harrison would ask about the group's bottoms and say things like "you've got a big bum". No other student reported that such remarks had been made by Mr Harrison. Therefore, the panel is not satisfied that there is sufficient evidence to establish that Mr Harrison made such remarks.

2. Invited pupils to punch and/or touch your inner thigh and/or stomach on one or more occasions;

The panel again considered the evidence provided by Witness B and the accounts provided to her by students.

The panel is satisfied that there was a discussion between Mr Harrison and a group of students in Year 9, which included Students 1, 2 and 3 in which he invited them to punch and/or touch him. At the disciplinary hearing, Mr Harrison stated "I don't recollect asking them to punch it but I might have gone "go on feel it" that kind of thing. I'd use humour a lot in my lessons but I don't remember but it's possible I could have said "feel, look" that

type of thing pointing towards my stomach. I've done that a few times where I say "it's like rock, feel it". Like a deferral technique".

The panel is satisfied on the basis of Mr Harrison's admission and the evidence of Students 1, 2 and 3 that Mr Harrison invited pupils to punch and/or touch him on the stomach on one or more occasions. The panel is therefore satisfied, on the balance of probabilities, that this allegation is proved.

However, the panel is not satisfied that Mr Harrison invited pupils to punch or touch his inner thigh. The only evidence relating to this aspect of the allegation was initially provided by Student 2. When she was re-interviewed by Witness B, Student 2 stated that Mr Harrison didn't say where to punch him but "I think he implied the top".

3. Bought chocolate for and/or gave chocolate to students as gifts, on one or more occasions;

The panel again considered the evidence provided by Witness B and the accounts provided to her by students.

Students 1, 2, 4, 6, 7 and 8 reported occasions when Mr Harrison had bought chocolates and/or given them chocolates as gifts. The panel noted that this occurred outside of the school environment.

Student 1 recounted an occasion when Mr Harrison saw her and her friends outside of school and gave her chocolate bars from inside his car. Student 1's account was corroborated by Student 8 in that she recalled Mr Harrison giving Student 1 a Galaxy chocolate bar.

Student 2 recounted an occasion when Mr Harrison saw her in town and gave her a box of Maltesers that were in a shopping bag.

Student 4 recounted that there were occasions when Mr Harrison would buy her chocolate from a shop.

Students 6 and 7 reported that Mr Harrison had given them chocolate as a gift.

During his disciplinary hearing and appeal hearing, Mr Harrison admitted that he had bought and given students chocolates. His explanation for this was that it was a gesture of kindness.

The panel is satisfied, on the balance of probabilities, that this allegation is proved.

4. Took photographs of students on your own camera and/or displayed photographs of students inappropriately on one or more occasions;

The panel considered the evidence provided by Witness B and the accounts provided to her by students.

Student 5 stated that Mr Harrison took photos of some of her class with his own camera and that he took photographs of girls from the Academy's information system and would then "blow the pictures of the girls up".

During the disciplinary hearing, Mr Harrison admitted to taking photos on his camera of students whilst they were working. He said that he didn't get the faces of the students in the photographs. He also said that he did not use the photographs and that he deleted them.

Student 9 also stated that, whilst Mr Harrison was taking the register, he went through student photos "as a joke" and that students asked him to put a photograph of her on the board and that he did so "really big for 2 minutes".

The panel is satisfied that Mr Harrison's actions had the potential to embarrass students and were inappropriate.

On the basis of the reports provided by Students 5 and 9 and Mr Harrison's admission during the disciplinary hearing, the panel is satisfied on the balance of probabilities, that this allegation is proved. The panel is satisfied that it was inappropriate for Mr Harrison to take photographs of students with his own camera in any circumstances. The panel is satisfied that it was inappropriate for Mr Harrison to display photographs of students.

5. In relation to the Science ISA you:

- a. Failed to meet one or more deadlines for putting marks into the Academy's system;**
- b. Failed to securely store one or more ISA papers;**
- c. Inaccurately marked one or more ISA papers;**

The panel heard direct oral evidence from Witness A in relation to allegation 5.a. to 5.c.. The panel found Witness A to be a credible witness. The panel accepted her oral evidence because it had the opportunity to test her evidence by its questions and it was supported by the written evidence within the case papers.

- a. Failed to meet one or more deadlines for putting marks into the Academy's system;**

The panel is satisfied that Mr Harrison had been set a deadline by Witness A to complete ISA marking by 20 March 2015. The panel relied on the evidence provided by Witness A and the email evidence in the case papers.

The panel noted that on 14 January 2015 Witness A convened a meeting to go over the ISA for science GCSE's which Mr Harrison attended. This meeting was followed up by an email sent the same day to all science staff including Mr Harrison. It summarised the meeting and attached resources including the AQA GCSE ISA guidance and the ISA

tracker for Year 11 ISA scores. Witness A sent a further email to staff on 15 January 2015. The panel has also noted the emails that were sent to science staff between 9 February 2015 to 10 April 2015 regarding ISA scores and the way in which the spreadsheet of marks should be completed by staff. The panel concludes that Mr Harrison was aware of the process for marking ISAs based on the information provided by Witness A. The panel also noted that he was an experienced teacher and the former leader of standards for science and he would have administered ISAs.

Witness A told the panel that, on 18 March 2015, she set a deadline for the ISA marking to be completed on the Academy's systems by 20 March 2015. The panel is satisfied that Mr Harrison failed to complete his marking by the deadline.

b. Failed to securely store one or more ISA papers;

The panel accepts Witness A's evidence that each science teacher had a lockable filing cabinet for the storage of ISA papers. She told the panel that further secure storage was available in the staff workroom. Mr Harrison failed to use either of these secure locations to secure ISA papers. Witness A found Core Science GCSE ISA papers on top of his filing cabinet and additional Science GCSE ISA papers were found by Individual C, a science technician, whilst she was tidying Mr Harrison's laboratory in order for cover staff to cover his lessons. The panel noted Individual C's signed account dated 3 July 2015. She states that she came across a tray of additional ISA papers in one of the side cupboards in the laboratory, which was not locked, and she reported this to Witness A. During his disciplinary hearing, Mr Harrison provided various explanations but admitted that his filing cabinet was not always locked. At one point, he recalled that he brought ISA papers into the Academy and left them on a desk but he also stated that he could not recall where he had stored them.

c. Inaccurately marked one or more ISA papers

The panel accepts the oral evidence provided by Witness A. The panel is satisfied that Mr Harrison's actions contradicted guidance from the AQA GCSE exam board which set out ISA marking criteria. Witness A told the panel that she had to remark the ISA papers for his classes and that the marks he had awarded to students were outside the tolerance of the awarding body.

The panel noted that, on 10 April 2015, Mr Harrison handed Witness A a piece of paper with the students' ISA marks. Witness A reviewed a sample of 2 or 3 ISA papers as part of her moderation and found that they had not been marked accurately by Mr Harrison. She told the panel that she then remarked all Mr Harrison's Year 11 ISAs and found significant inaccuracies in 90%. She gave examples of these inaccuracies which included:

- graphs which were not present awarded 4 marks.

- result tables which were not present awarded 2 marks.
- graphs that were not accurately completed awarded full marks.
- student answers marked as correct when the student's answers were not in accordance with the AQA ISA marking guidance.

Mr Harrison was asked about his marking at his disciplinary hearing. In relation to awarding marks for a table that was not present he stated, "When you actually do the mark, you put it on a spreadsheet what marks you got for the test and what marks you got for the graph so when I have typed it across and I'm just guessing, it's possible I put a number where I shouldn't have put a number". Mr Harrison was then asked "for such an important document there seems to be a bit of ambiguity here about what was there and what wasn't there". Mr Harrison's response was "I'm not sure, I'm guessing on that".

The panel found that Mr Harrison's responses on the accuracy of his marking were unclear, inadequate and evasive.

For the above reasons, the panel is satisfied that allegations 5.a., 5.b. and 5.c. are proved. The panel is satisfied that, in relation to the Science ISA, Mr Harrison failed to meet one or more deadlines for putting marks into the Academy's system, he failed to securely store one or more ISA papers and he inaccurately marked one or more ISA papers.

7. Your actions in paragraph 5.c. were dishonest in that you knowingly awarded marks where there was no evidence to support it and/or where the answer contradicted the mark scheme;

The panel have found allegation 5.c. proved. The panel found that Mr Harrison inaccurately marked one or more ISA papers and in doing so awarded marks where there was no evidence to support them and/or where the answer contradicted the marking scheme.

The panel is satisfied that these actions would be regarded as dishonest by the standards of ordinary reasonable people, and indeed by the standards of a teaching professional in Mr Harrison's position. The panel is satisfied that the conduct of Mr Harrison was objectively dishonest.

The panel then turned to consider the subjective element of the dishonesty test. The failures of Mr Harrison were obvious and clear. The panel noted that the ISAs were undertaken by students throughout the school year. The panel has found that Mr Harrison awarded marks for work that had not been completed or where the answer was not marked in accordance with the ISA marking scheme. The panel considers that Mr Harrison's explanations for the inaccurate marking to be unclear, inadequate and evasive. Mr Harrison was an experienced teacher and a former leader of standards for Science. The panel is satisfied that he was aware of the AQA marking scheme. The

panel is satisfied that Mr Harrison's actions were deliberate and were, therefore, subjectively dishonest.

For these reasons, the panel finds this allegation proven on the balance of probabilities.

Allegations not proven

The panel has found the following particulars of the allegations against you not proven for these reasons:

6. In or around April 2015, you failed to return students' workbooks in a timely fashion and/or at all when they were required for the purposes of teacher scrutiny;

The panel accepted the oral evidence of Witness B. The panel noted that a clerical assistant, sent an email to Mr Harrison and other members of staff, on 20 April 2015, asking them to provide student workbooks for the purposes of scrutiny by 5pm that day. The panel noted that student workbooks were scrutinised on a weekly basis. The panel also noted that Mr Harrison was absent from work on 20 April 2015 due to a leave of absence. From 21 April 2015, Mr Harrison was absent from work on long term sick leave.

The panel considers that there is insufficient evidence to establish that Mr Harrison received the email, from the clerical assistant, requesting that he should provide student workbooks for Year 10 Set 3. The panel has no evidence of further communication with Mr Harrison, in or around April 2015, about the student workbooks, including further emails sent directly to Mr Harrison requesting books in the context of work scrutiny. The first email provided to the panel that was sent directly to Mr Harrison requesting workbooks was sent by a Human Resources Manager on 8 May 2015.

For these reasons the panel is not satisfied that there is sufficient evidence, on the balance of probabilities, to find this allegation proved.

The panel is satisfied, on the basis of Witness B's evidence and Mr Harrison's admission at the disciplinary hearing, that he came into the Academy on 22 April 2015 at 6.00am. However, the panel does not find this to be relevant to the allegation that Mr Harrison failed to return student workbooks in or around April 2015.

8. Your actions referred to at allegation 6 above were dishonest in that they were designed to conceal that many books were missing and/or that the remaining books contained very little student work and/or marking.

The panel has not found allegation 6 proved and therefore finds this allegation not proven.

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

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

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Harrison in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Harrison 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.

Allegations 1 to 4

In relation to Mr Harrison's conduct found proved in allegation 1 to 4, the panel considers that Mr Harrison has failed to maintain professional boundaries. Notwithstanding that Mr Harrison's conduct in relation to these allegations included breaches of the Teachers' Standards, the panel was not satisfied that Mr Harrison's conduct towards students was of so serious a nature as to fall significantly short of the standards expected of the profession.

In relation to allegation 3, the panel noted that Mr Harrison had bought chocolate for and given chocolates to students as gifts outside an education setting. Mr Harrison did fail to maintain appropriate professional boundaries but the panel does not find his conduct to have been so serious as to bring the profession into disrepute. The panel is not satisfied that the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

In consequence, the panel therefore does not find that Mr Harrison's actions at allegation 3 constitutes conduct that may bring the profession into disrepute.

Allegations 5.a., 5.b., 5.c. and 7

In relation to Mr Harrison's conduct in allegations 5.a., 5.b. and 5.c. and allegation 7, the panel considers that Mr Harrison's conduct significantly undermined the integrity of the public examination system at the Academy. The panel considers any interference with the public examinations system to be a serious matter that was detrimental to students, staff, the Academy and potentially the public perception of the profession. The panel noted that as a consequence of Mr Harrison's conduct, Witness A had to re-mark all his Year 11 ISA papers and that 90% were inaccurate. Furthermore, the panel has found that Mr Harrison knowingly awarded marks where there was no evidence to support this and when students' answers contradicted the mark scheme. Mr Harrison's conduct had serious implications for the students, staff and the school. The panel is satisfied that this conduct of Mr Harrison amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Harrison's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

In relation to bringing the profession into disrepute, the panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct in relation to allegations 5.a., 5.b., 5.c. and allegation 7 are serious and the panel considers that the misconduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

In consequence, the panel therefore finds that Mr Harrison's actions at allegations 5.a., 5.b., 5.c. and 7 constitute conduct that may bring the profession into disrepute.

Therefore, the panel finds that in relation to allegation 5.a., 5.b. and 5.c. and allegation 7, Mr Harrison's conduct amounts 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

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

There is also a strong public interest consideration in declaring and upholding proper standards of conduct in relation to the failures found proved in relation allegation 5.a., 5.b. and 5c.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if dishonest conduct such as that found against Mr Harrison in relation to allegation 7 was not treated with the utmost seriousness when regulating the conduct of the profession. The panel considered that the conduct found against Mr Harrison was outside that which could reasonably be tolerated.

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

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Harrison. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education of pupils;
- dishonesty;
- deliberate behaviour that undermines the progress of pupils and undermines the profession, the school and colleagues.

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

The panel has reminded itself of the principle of proportionality and in particular the principle that in certain cases a prohibition order may not be proportionate or appropriate and that a finding of unacceptable professional conduct may represent a sufficient sanction in itself (as referred to in the case of Wallace and Secretary of State for Education [2017] EWHC 109 (Admin)).

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Harrison. The panel had regard to the fact that Mr Harrison had a previous good character and history. The panel noted that Witness B and students had positive things to say about him. However, the panel has noted that no specific references have been provided from any colleagues that can attest to his abilities as a teacher.

However, his actions were not carried out under any duress and in fact the panel found Mr Harrison's actions to be deliberate. Furthermore, the panel has not been provided with any evidence by Mr Harrison that he has demonstrated any insight into his actions.

The panel is of the view that prohibition is both proportionate and appropriate.

Mr Harrison's conduct at allegations 5.c. involved dishonesty. This likely had a negative impact on those students.

Mr Harrison dishonestly awarded marks where there was no evidence to support this and/or where the answer contradicted the mark scheme. These actions fundamentally undermine the values of the teaching profession, and values of honesty and integrity generally.

The panel has decided that the public interest considerations outweigh the interests of Mr Harrison. The severity of the conduct overall, but with particular reference to allegations 5.c. and 7, was a significant factor in forming that opinion. The panel is of the view that, notwithstanding Mr Harrison's good record, and the impact that the loss of his job will undoubtedly have had upon him, a public finding of unacceptable professional conduct or conduct which may bring the profession into disrepute would not be sufficient or in the public interest. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice 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 proven, would militate against a review period being recommended. Although the panel has found dishonesty the panel

considers that Mr Harrison's unacceptable professional conduct was specific in nature and time limited.

The panel concluded 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 4 year 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 sanction and a 4 year review period.

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

In this case, the panel has found a number of the allegations to be proven. It has found that some of those proven allegations amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found allegations proven, or found that the proven allegations do not amount to unacceptable professional conduct I have put those matters from my mind in considering this case. The panel has made a recommendation to the Secretary of State that Mr Harrison should be the subject of a prohibition order, with a review period of 4 years.

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

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

The panel finds that the conduct of Mr Harrison in relation to allegations 5.a., 5.b., 5.c. and allegation 7 fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty and failure to uphold the integrity of the public examination system at the Academy.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Harrison, and the impact that will have on him, is proportionate.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "Mr Harrison's conduct had serious implications for the students, staff and the school." A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "the panel has not been provided with any evidence by Mr Harrison that he has demonstrated any insight into his actions". In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the accurate assessment of pupils' work and the integrity of the public examination system in the future. 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 considered, "any interference with the public examinations system to be a serious matter that was detrimental to students, staff, the Academy and potentially the public perception of the profession". The panel also say "public confidence in the profession could be seriously weakened if dishonest conduct such as that found against Mr Harrison in relation to allegation 7 was not treated with the utmost seriousness when regulating the conduct of the profession." I am therefore particularly mindful of the finding of dishonesty 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 failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

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

I have also considered the impact of a prohibition order on Mr Harrison himself.

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

I have weighed up the panel's comments on public interest considerations both in favour of and against prohibition alongside the interests of Mr Harrison. I note the panel had regard to Mr Harrison having, "a previous good character and history." and that "Witness B and students had positive things to say about him." The panel also say it, "noted that no specific references have been provided from any colleagues that can attest to his abilities as a teacher". Furthermore, I note that the panel considered Mr Harrison's actions to be "deliberate" and that he was not acting under duress.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Harrison has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession. For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 4 year review period.

I have considered the panel's comments "Although the panel has found dishonesty the panel considers that Mr Harrison's unacceptable professional conduct was specific in nature and time limited."

The panel has also said that a 4 year review period would "be appropriate and as such decided that it would be proportionate in all the circumstances."

I have considered whether a 4 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are two factors that in my view mean that a 4 year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are undermining the integrity of the public examination system and the dishonesty found.

I consider therefore that a 4 year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Michael Harrison 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 11 October 2021, 4 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 Harrison remains prohibited from teaching indefinitely.

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

Mr Harrison 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 'Dawn Dandy', with a stylized, sweeping flourish at the end.

Decision maker: Dawn Dandy

Date: 5 October 2017

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