



Teaching
Regulation
Agency

Mr Paul Harris: Professional conduct panel outcome

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

January 2020

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

Teacher: Mr Paul Harris

Teacher ref number: 9643628

Teacher date of birth: 03 May 1974

TRA reference: 17797

Date of determination: 20 January 2020

Former employer: [redacted] “the School”

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 January 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Paul Harris.

The panel members were Fiona Tankard (teacher panellist – in the chair), Surinder Dhillon (lay panellist) and Colin Parker (teacher panellist).

The legal adviser to the panel was Nick Leale of Blake Morgan solicitors.

The presenting officer for the TRA was Helen Smith of DAC Beachcroft solicitors.

Mr Harris 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 9 December 2019.

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

1. Engaged in an inappropriate relationship with an ex-pupil of the School, between 1 October 2017 and 15 February 2018 in that he:
 - a) Engaged in sexual activity with ex-pupil A on one or more occasions;
 - b) Attended ex-pupil A's home address in or around October 2017 whilst Pupil A's parents were away;
2. His conduct set out in allegation 1(a) and/or 1 (b) above was sexually motivated.

All of the factual particulars and unacceptable professional conduct/conduct that may bring the profession into disrepute were admitted by Mr Harris by way of the Agreed Statement of Facts at pages 25 to 30 of the bundle.

C. Preliminary applications

The panel were invited to proceed with the hearing in Mr Harris's absence. The panel were provided with records of correspondence between Mr Harris and the presenting officer in which Mr Harris made it clear that he did not wish to attend the hearing and was eager for the hearing to conclude as soon as possible. He had also, in that correspondence, waived his right to 8 weeks notice of the hearing date (the Notice of Proceedings had been sent on 9 December 2019). These additional relevant documents were added to the bundle as pages 128-135. The panel decided to proceed with the hearing in the absence of Mr Harris.

The panel were also provided with a record of the administrative case management decision made by the TRA that the name of the relevant school would be redacted from the bundle and the decision document.

D. Summary of evidence

Documents

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

Section 1: Chronology, Identification key and list of roles – pages 1 to 3

Section 2: Notice of Hearing and Response – pages 4 to 11

Section 3: Teaching Regulation Agency witness statements – none

Section 4: Teaching Regulation Agency documents – pages 17 to 123

Section 5: Teacher Witness Statements – none

Section 6: Teacher Documents – pages 125 to 127.

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

Witnesses

The panel heard no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

This case involves a teacher who embarked on a clandestine sexual relationship with one of his former pupils (who was aged 16 at the time) in October of the year she left the school.

Findings of fact

The findings of fact are as follows:

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

1. You engaged in an inappropriate relationship with an ex-pupil of the School, between 1 October 2017 and 15 February 2018 in that you:

a) Engaged in sexual activity with ex-pupil A on one or more occasions;

b) Attended ex-pupil A's home address in or around October 2017 whilst her parents were away;

2. Your conduct set out in allegation 1(a) and/or 1 (b) above was sexually motivated.

All of the above particulars were fully admitted by Mr Harris in the Agreed Statement of Facts dated July 2019 and included in the bundle of documents at pages 25-30.

Mr Harris accepted that he was one of pupil A's teachers [redacted]. [redacted].

He further admitted that on a date prior to October 2017 he provided pupil A with his personal contact details. In October 2017 Mr Harris and pupil A started a sexual relationship, which apparently continues to this day. Their sexual contact took place at pupil A's parents' house (where pupil A lived) and elsewhere.

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

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

In the Agreed Statement of Facts Mr Harris admitted that his conduct as alleged amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

The panel was satisfied that the conduct of Mr Harris amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Mr Harris, who in late 2017 was aged 43, started a clandestine sexual relationship with pupil A, who was at the time aged 16, within 2-3 months of pupil A ceasing to be a pupil of the school. The relationship began soon after he provided pupil A with his personal contact details, which led to their making frequent contact with each other on various social media platforms. This contact was, in itself, in clear breach of the school's Social

Media & Communications Policy for Staff, which states at paragraph 8.3 that "staff must not use personal social media with any child with whom they solely have, or have had, a staff/student relationship. This includes ex-students until they reach the age of 18."

By admission, the relationship was concealed from colleagues, Mr Harris's wife and pupil A's parents and included sexual contact, which occurred secretly at pupil A's parents' house. The relationship carried on, without the knowledge of Mr Harris' employers, after pupil A's father became aware of the relationship and asked for it to end.

The relationship began and continued despite Mr Harris's recently prior position of authority over pupil A as one of her teachers. The imbalance in the dynamic of their relationship remained, given Mr Harris's very recent position of trust over pupil A.

The serious misconduct took place outside of the education setting but clearly amounted to behaviour that could have led to pupils' being exposed to or influenced by Mr Harris's behaviour in a harmful way.

Furthermore, the panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession.

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

Panel's recommendation to the Secretary of State

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

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

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

In the light of the panel's findings against Mr Harris, which involved his conducting an inappropriate sexual relationship with one of his recent pupils who was aged 16, 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 Harris 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 Harris was 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 Harris.

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 Harris. 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;
- abuse of position of trust...
- 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. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The only real mitigation present was that Mr Harris had a previously good record.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Harris 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 Harris. The panel formed the view that the power imbalance in the relationship that Mr Harris formed with pupil A and the clandestine way in which the relationship was conducted made the conduct particularly serious and that the public interest in the imposition of prohibition was therefore overwhelming. 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. 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 a person.

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 conduct that may bring the profession into disrepute. In addition, Mr Harris has admitted the allegations and

admitted that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Harris 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...

The findings of misconduct are particularly serious as they include a finding of sexual misconduct.

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 Harris, 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, "The serious misconduct took place outside of the education setting but clearly amounted to behaviour that could have led to pupils' being exposed to or influenced by Mr Harris's behaviour in a harmful way."

A prohibition order would therefore prevent such a risk from being present in the future. The panel has said, "The only real mitigation present was that Mr Harris had a previously good record." In addition, Mr Harris has admitted the allegations.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception of the profession.”

I am particularly mindful of the finding of 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 Harris himself. A prohibition order would prevent Mr Harris from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments “The panel formed the view that the power imbalance in the relationship that Mr Harris formed with pupil A and the clandestine way in which the relationship was conducted made the conduct particularly serious and that the public interest in the imposition of prohibition was therefore overwhelming.” The panel also said, “the relationship was concealed from colleagues, Mr Harris’s wife and pupil A’s parents and included sexual contact, which occurred secretly at pupil A’s parents’ house. The relationship carried on, without the knowledge of Mr Harris’ employers, after pupil A’s father became aware of the relationship and asked for it to end.”

I have also placed considerable weight on the finding of the panel that, “The relationship began and continued despite Mr Harris’s recently prior position of authority over pupil A as one of her teachers. The imbalance in the dynamic of their relationship remained, given Mr Harris’s very recent position of trust over pupil A,” and, “The serious misconduct took place outside of the education setting but clearly amounted to behaviour that could have led to pupils’ being exposed to or influenced by Mr Harris’s behaviour in a harmful way.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Harris 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 any apparent 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 advice published by the Secretary of State and the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. 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 a person."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which support that view are, the sexual misconduct found, the attempt to conceal this, and the apparent lack of insight or remorse.

I consider therefore that allowing for a no review period is necessary and required to satisfy the maintenance of public confidence in the profession.

This means that Mr Paul Harris 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 Paul Harris 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 Paul Harris 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.



Decision maker: Alan Meyrick

Date: 28 January 2020

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