



Teaching  
Regulation  
Agency

# **Ms Cheryl Horne: Professional conduct panel outcome**

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

**March 2022**

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

<b>Teacher:</b>	Ms Cheryl Horne
<b>Teacher ref number:</b>	04/55112
<b>Teacher date of birth:</b>	2 October 1980
<b>TRA reference:</b>	18199
<b>Date of determination:</b>	8 March 2022
<b>Former employer:</b>	Queen Elizabeth's School, Hertfordshire

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 7 to 8 March 2022 by way of a virtual hearing, to consider the case of Ms Cheryl Horne.

The panel members were Mr Paul Hawkins (teacher panellist – in the chair), Ms Juliet Berry (lay panellist) and Mr Alf Bean (lay panellist).

The legal adviser to the panel was Mr Sam Haldane of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson LLP solicitors.

Ms Horne was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 29 November 2021.

It was alleged that Ms Horne was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Queen Elizabeth's School:

1. You failed to maintain appropriate professional boundaries with one or more pupils including;
  - a) With Pupil A by sending one or more emails;
    - i. Which were sent late at night;
    - ii. Which were sent during weekends and/or during school holidays;
    - iii. In which you discuss alcoholic drinks;
    - iv. In which you use a 'love heart' emoji;
    - v. In which you discuss your dating life;
    - vi. In which you discuss his weight;
    - vii. In which you discuss his choice of outfit including the sharing of one or more pictures
    - viii. In which you state that you had dreamt about him;
  - b) With Pupil A by purchasing him a gift for his birthday;
  - c) With Pupil A by referring to him as by one or more nicknames;
  - d) With Pupil B by sending one or more emails;
    - i. Which were sent late at night;
    - ii. In which you discuss alcoholic drinks;
  - e) With Pupil C by sending one or more emails;
    - i. Which were sent late at night;
    - ii. Which were sent during weekends and/or during school holidays;
    - iii. In which you discuss alcoholic drinks;

- iv. In which you refer to you buying him an alcoholic drink;
  - v. which you sign off with an 'x' meaning a kiss;
- f) With Pupil D by sending one or more emails;
- i. Which were sent during weekends and/or during school holidays;
  - ii. In which you refer to him as a "loser";
2. You made comments which were inappropriate and/or of a sexual nature to one or more pupils and/or in the presence of one or more pupils including;
- a) discussing the sex lives of one or more pupils;
  - b) asking one or more pupils to illustrate different aspects of the music to which they were listening by using different sexual position for each;
  - c) discussing an incident regarding an individual using a remote control as a dildo;
3. You failed to adequately safeguard one or more pupils including by;
- a) storing alcohol at the School where it was accessible to one or more pupils;
  - b) arranging a trip to the Royal Albert Hall without seeking or receiving;
    - i. the required permission from your Senior Manager, the School Educational Visits Co-ordinator;
    - ii. the required parental permission for pupil attendance;
4. You allowed repeated and inappropriate access by students to the staff work areas, contrary to instructions from the School's management, including as set out in an email chain dated 23/1/18 and as conveyed in a meeting on 11/1/19;
5. You provided a 'key fob' to Pupil E which;
- a) Allowed him unsupervised access to the school premises;
  - b) was a breach of the School Code of Conduct for Staff and Governors.

Ms Horne admitted allegations 1.a(i-viii), 1.b, 1.c, 1.d(i-ii), 1e(i-v), 1f(i-ii), 3.a, 3.b(i-ii), 4, 5.a and 5.b, and denied allegations 2.a, 2.b and 2.c, as set out in the response to the notice of referral dated 22 April 2021 and in the statement of agreed facts signed by Ms Horne on 23 July 2021.

Ms Horne denied that the facts of the admitted allegations against her amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### Application to proceed in the absence of the teacher

Ms Horne was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Ms Horne.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Ms Horne in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 (the "Procedures").

The panel had sight of page 18 of the bundle whereby the Ms Horne had indicated her intention not to be present and that her absence was voluntary and that she was aware that the matter would proceed in her absence. Ms Horne had also indicated that any representation would be forthcoming by way of written representations.

The panel noted that Ms Horne had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing. There was no medical evidence before the panel that Ms Horne was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Horne was neither present nor represented

### Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents.

The presenting officer's documents were an email to Ms Horne confirming the case was going to be heard virtually, finalised agreed and disputed facts, the 2017 code of conduct and submissions from Ms Horne.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the Procedures.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

### Application to amend allegations

The presenting officer made an application to amend allegations 1c & 5b. The presenting officer submitted that allegation 1c was simply a typographical error and that allegation 5b would remove the reference to the date of the school's code of conduct and the word which.

The panel noted that Ms Horne's representatives had been made aware of this and opposed the amendment on the basis of the time that the presenting officer has had to make sure all allegations are correct.

The panel considered that the proposed changes were minor and would not change the way that the case was put and therefore was not a material change.

Accordingly the panel granted the application to amend the allegations

## **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 2 to 3
- Section 2: Notice of referral, hearing and response – pages 5 to 20
- Section 3: Statement of agreed facts – pages 22 to 25
- Section 4: Teaching Regulation Agency documents – pages 27 to 557
- Section 5: Teaching Regulation Agency witness statements – pages 559 to 582
- Section 6: Teacher documents – pages 584 to 593

- Additional documents comprising of an email from Ms Horne's representative to the presenting officer confirming the statement of agreed facts had not changed and including an unsigned copy - provided separately

In addition, the panel agreed to accept the following:

- Section 7: Additional documents submitted by TRA pages 594 to 626
- Section 8: Additional documents submitted by teacher pages 627 to 635

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## **Witnesses**

The panel heard oral evidence from the following witnesses called by the TRA:

- Individual A [REDACTED]
- Individual B [REDACTED]
- Individual C [REDACTED]
- Individual D [REDACTED]

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Ms Horne was employed as a part time music teacher at Queen Elizabeth's School ('the School') from 16 October 2014. On 19 May 2015, Ms Horne was offered the role as the acting director of music at the School and on 9 March 2016, Ms Horne was later appointed to the role as a director of music at the School.

On 19 January 2018, Ms Horne was given an informal warning regarding the presence of pupils in staff areas.

On 2 September 2018, Ms Horne attended the proms with pupils without seeking parental permission or permission from the School.

On 11 January 2019, an informal meeting was held with Ms Horne regarding the presence of pupils in staff areas. Ms Horne was suspended from the School on 14 January 2019.

The School held an investigatory meeting on 31 January 2019 and, on 15 February 2019, Ms Horne was dismissed from the School after a finding of gross misconduct.

## **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 failed to maintain appropriate professional boundaries with one or more pupils including;**
  - a) With Pupil A by sending one or more emails;**
    - i. Which were sent late at night;**
    - ii. Which were sent during weekends and/or during school holidays;**
    - iii. In which you discuss alcoholic drinks;**
    - iv. In which you use a 'love heart' emoji;**
    - v. In which you discuss your dating life;**
    - vi. In which you discuss his weight;**
    - vii. In which you discuss his choice of outfit including the sharing of one or more pictures;**
    - viii. In which you state that you had dreamt about him;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she had failed to maintain appropriate professional boundaries with Pupil A by sending him one or more emails, which were inappropriate. Ms Horne further admitted that in sending such emails, she was overfamiliar and failed to maintain professional boundaries with students.

The panel noted the witness statement of Ms Horne who submitted that, through no malice nor any other motive, there was a blurring of lines with a small handful of older students.

In a letter to the TRA, Ms Sue Hill of NASUWT, Ms Horne's representative, explained that the exchange with Pupil A regarding her dating life, related to Ms Horne attending a Gary Barlow concert with her family. It did not relate to a date with Pupil A. Further, the dream described related to Pupil A and his exam results.

The panel heard evidence from Individual D about the schools messaging service and that this communication method is used sparingly. The panel noted the emails that were sent from Ms Horne. They were of the view that there was frequent contact, often outside of school hours and outside of term time. Further to this, Individual D stated that each student has a personal tutor who would act as a conduit for communications but that the preferred method of communication was face to face.

The panel found allegations 1.a(i-viii) proven.

**b) With Pupil A by purchasing him a gift for his birthday;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she had failed to maintain appropriate professional boundaries with Pupil A by purchasing him a gift for his birthday. Mr Horne admitted that she purchased Pupil A a “score of Mahler 2<sup>nd</sup> Symphony” for his birthday.

The panel heard evidence from Individual B regarding the birthday present who said that this was a “posh present that does not come cheap, and that they would have liked to have the score as it is a brilliant piece of music”.

The panel found allegation 1.b proven.

**c) With Pupil A by referring to him as one or more nicknames;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she failed to maintain appropriate professional boundaries with Pupil A by referring to him as one or more nicknames.

The panel noted the witness statement of Ms Horne, who submitted that she used a nickname for one of the [REDACTED] students in jest. Ms Horne explained that once she had realised Pupil A did not like the nickname, she stopped using it and apologised to him. This however was contrary to the witness evidence which detailed that Ms Horne continued to use the nickname Pupil A did not like.

The panel referred to page 173 of the bundle which showed a copy of the email exchange and saw this as cogent evidence in regard to the allegation.

The panel found allegation 1.c proven.

**d) With Pupil B by sending one or more emails;**

- i. Which were sent late at night;**
- ii. In which you discuss alcoholic drinks;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she failed to maintain appropriate professional boundaries with Pupil B by sending him one or more emails which were sent late at night and in which she discussed alcoholic drinks.

The panel noted the witness statement of Ms Horne who submitted that, through no malice nor any other motive, there was a blurring of lines with a small handful of older students.

The panel had sight of pages 117,118, 129,131,134,135, 136 and 144 which showed frequent emails that were sent late at night and outside of school hours. It showed discussion of alcoholic drinks, in particular gin. The panel found this be concrete evidence when considering the allegation.

The panel found allegation 1.d(i-ii) proven.

**e) With Pupil C by sending one or more emails;**

- i. Which were sent late at night;**
- ii. Which were sent during weekends and/or during school holidays;**
- iii. In which you discuss alcoholic drinks;**
- iv. In which you refer to you buying him an alcoholic drink;**
- v. which you sign off with an 'x' meaning a kiss;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she had failed to maintain appropriate professional boundaries with Pupil C by sending him one or more emails. Ms Horne admitted that in sending such emails, she had failed to maintain a professional relationship with Pupil C.

The panel noted the witness statement of Ms Horne who submitted that, through no malice nor any other motive, there was a blurring of lines with a small handful of older students.

Again the panel reviewed the significant number of emails sent from Ms Horne that demonstrated emails sent late at night, during holidays and at weekends. The panel saw the evidence of buying alcoholic drinks and an email signed off with an 'x'

The panel found allegation 1.e(i-v) proven.

**With Pupil D by sending one or more emails;**

- i. Which were sent during weekends and/or during school holidays;**

**ii. In which you refer to him as a “loser”;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she had failed to maintain appropriate professional boundaries with Pupil D by sending him one or more emails. Ms Horne admitted that in sending such emails, she had failed to maintain a professional relationship with Pupil D.

The panel noted the witness statement of Ms Horne who submitted that, through no malice nor any other motive, there was a blurring of lines with a small handful of older students.

The panel found allegation 1.f(i-ii) proven.

**2. You made comments which were inappropriate and/or of a sexual nature to one or more pupils and/or in the presence of one or more pupils including;**

- a) discussing the sex lives of one or more pupils;**
- b) asking one or more pupils to illustrate different aspects of the music to which they were listening by using different sexual position for each;**
- c) discussing an incident regarding an individual using a remote control as a dildo;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne denied allegation 2 in its entirety.

The panel noted the witness statement of Ms Horne who submitted that she had never described pupils' homework using a sexual position.

Ms Horne submitted that she drove Individual B to the train station on several occasions and was unable to recall the specifics of any conversations she had with Individual B during those times. Upon reading the details of the allegations, Ms Horne believed the conversation in question was about a lesson focusing on the fingerprints of the romantic period in classical music, in which she played students the prelude to 'Tristan and Isolde', after which she discussed how the composer used harmony to create and release musical tension.

Ms Horne submitted that she had never read the book referred to by Individual A, and in fact Individual A shared the anecdote with Ms Horne which Ms Horne then went on to share with Individuals B and C in the office.

The panel considered the witness statement and oral evidence of Individual B who submitted that Ms Horne stated to her that she had asked a sixth form class to illustrate couples in different sexual positions. Ms Horne denied this conversation.

Individual B could not recall whether she was present when the anecdote was told, and believed that it could have been Individual A who had told her Ms Horne shared with a pupil a story from a book which she was reading at the time, which involved someone who had used a remote control with a condom over it as a dildo.

Individual B submitted that, if there was a place for pupils to hang out, it always seemed to be the music office. Pupils would only sit in the office if Ms Horne were there. Individual B explained that often exchanges between Ms Horne and pupils would be inappropriate, in the form of 'banter' or with sexual innuendos or undertones.

The panel also considered the witness statement and oral evidence of Individual A who submitted that Ms Horne had told her that she had shared some stories from a book called '*This is Going to Hurt: Secret Diaries of a Junior Doctor*' by Adam Kay including an anecdote about someone who had used a remote control with a condom over it as a dildo. Ms Horne denied this conversation.

The panel felt that the evidence given by Individual B and Individual C was extremely vague and when pressed for finer details or specific examples of what was said and by whom, neither were able to remember or provide any examples to the panel.

The panel felt that although a period of time had passed since these allegations were claimed to have happened that due to their nature witnesses would have been able to remember the specifics of what was said or done. The witnesses appeared to be clear about certain aspects of evidence however were vague in regard to the specifics of allegations 2a, 2b and 2c.

The panel found allegations 2.a, 2.b and 2.c not proven.

### **3. You failed to adequately safeguard one or more pupils including by;**

#### **a) storing alcohol at the School where it was accessible to one or more pupils;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she has failed to adequately safeguard one or more pupils at the School. Ms Horne admitted that leftover alcohol from events after school had been left in a fridge and a bottle of gin received from a colleague had been left in her desk.

Further to this the panel heard evidence from Individual D who detailed finding the bottle of gin and taking photographs of it. The panel had sight of the photograph within the bundle and found this to be strong supportive evidence.

The panel found allegation 3.a proven.

#### **b) arranging a trip to the Royal Albert Hall without seeking or receiving;**

- i. the required permission from your Senior Manager, the School Educational Visits Co-ordinator;**
- ii. the required parental permission for pupil attendance;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she has failed to adequately safeguard one or more pupils at the School. Ms Horne admitted that she had sent an email to a number of former and current pupils on 28 August 2018 inviting them to attend BBC Proms at Royal Albert Hall which was done without parental consent and without approval from the School.

Individual D confirmed that he did not know about the trip and only became aware during his search of Ms Horne's email account during his initial investigations.

The panel found allegation 3.b(i-ii) proven.

**4. You allowed repeated and inappropriate access by students to the staff work areas, contrary to instructions from the School's management, including as set out in an email chain dated 23/1/18 and as conveyed in a meeting on 11/1/19;**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted she allowed repeated and inappropriate access by students to the staff work areas at the School, contrary to instructions from the School's management including as set out in an email chain dated 23 January 2018 and as also conveyed in a meeting on 11 January 2019.

The panel found allegation 4 proven.

**5. You provided a 'key fob' to Pupil E which;**

- a) Allowed him unsupervised access to the school premises;**
- b) which was a breach of the School Code of Conduct for Staff and Governors 2018.**

The panel noted that within the statement of agreed facts, signed by Ms Horne on 23 July 2021, Ms Horne admitted that she provided a 'key fob' to Pupil E which allowed him unsupervised access to the school premises and which was a breach of the School Code of Conduct for Staff and Governors.

The panel also had sight of the email dated 12<sup>th</sup> December 2017 from Ms Horne to Pupil E asking for the fob back. The panel were particularly concerned as to Pupil E having unsupervised access to the school out of hours from a safeguarding and health and safety perspective. The panel also noted that the email suggested the fob was kept overnight by Pupil E.

The panel found allegations 5.a and 5.b proven.

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

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

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

The panel was satisfied that the conduct of Ms Horne, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Horne 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, 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 Ms Horne amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Horne’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant.

The panel noted that allegations 1.a(i-viii), 1.b, 1.c, 1.d(i-ii), 1.e(i-v) and 1.f(i-ii) took place outside the education setting in that the email exchanges took place outside of school and outside of school hours, the panel concluded that this did not prevent a finding of unacceptable professional conduct.

Accordingly, the panel was satisfied that Ms Horne was guilty of unacceptable professional conduct.

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

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

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

Having found the facts of allegations 1.a(i-viii), 1.b, 1.c, 1.d(i-ii), 1e(i-v), 1f(i-ii), 3.a, 3.b(i-ii), 4, 5.a and 5b, the panel further found that Ms Horne's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel were aware that 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 protection of other members of the public, 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 Ms Horne, which involved failure to maintain appropriate professional boundaries with one or more pupils and failure to adequately

safeguard one or more pupils 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 Ms Horne was 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 Ms Horne 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 Ms Horne.

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 Ms Horne. 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 pupils);
- deliberate behaviour that undermines pupils, the profession, the school or colleagues;

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

There was no evidence that Ms Horne's actions were not deliberate.

There was no evidence to suggest that Ms Horne was acting under extreme duress.

The panel noted a character reference submitted on behalf of Ms Horne which attested to her ability as a teacher.

- Individual E
- [REDACTED]

- *“She has been an unfailingly reliable, trustworthy, and responsible colleague, and it is my pleasure to offer this short statement in support of her character.”*
- *“Without exception, her students spoke of her as a committed, dynamic, knowledgeable, and supportive teacher. It’s also worth pointing out her students were always among the best in my group; there can be no doubt in anyone’s mind that she is a fantastic and inspiring teacher.”*
- *“Cheryl’s students also spoke of her as someone to whom they could take problems – problems at home, with friends, or at school – and it was very clear they both trusted her and could rely on her.”*
- *“However, I also know her to be an inspiring, dedicated, diligent, caring and professional teacher. The wellbeing of her students is, and always has been, her highest priority.”*

Ms Horne apologised for the mistakes she had made, in blurring boundaries with pupils whilst a teacher at the School.

Individual D also made it clear that Ms Horne was a well liked member of staff who was popular both amongst students and colleagues. He described her as highly committed and was someone who had a significant public facing role.

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 Ms Horne 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 Ms Horne. Evidence of being warned about her previous poor behaviour and continuing in the same manner was a significant factor in forming that opinion. The panel felt that there had been a gross lack of judgement by Ms Horne and that the varying allegations both inside and outside of school hours were a serious concern given that this crossed the safeguarding boundaries. The panel was mindful of that fact that Ms Horne had reflected upon her behaviour for which she had apologised and accepted her short comings. The panel also noted that Ms Horne made a positive contribution to school life and the extra-curricular activities which was commented upon by Individual D. 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 panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 2 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 both sanction and review period.

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven. I have therefore put all of those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Horne should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Horne 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, 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 also, “satisfied that the conduct of Ms Horne amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.”

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 Ms Horne, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “In the light of the panel’s findings against Ms Horne, which involved failure to maintain appropriate professional boundaries with one or more pupils and failure to adequately safeguard one or more pupils there was a strong public interest consideration in respect of the protection of pupils.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel was mindful of that fact that Ms Horne had reflected upon her behaviour for which she had apologised and accepted her shortcomings.” The panel has also commented that Ms Horne had been, “warned about her previous poor behaviour and continuing in the same manner was a significant factor in forming that opinion.” In my judgement, the lack of clear evidence of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils’. 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 that it, “considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Horne was not treated with the utmost seriousness when regulating the conduct 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 Ms Horne herself. The panel comment “Individual D also made it clear that Ms Horne was a well liked member of staff who was popular both amongst students and colleagues. He described her as highly committed and was someone who had a significant public facing role.”

A prohibition order would prevent Ms Horne from teaching and would also clearly deprive the public of her 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 felt that there had been a gross lack of judgement by Ms Horne and that the varying allegations both inside and outside of school hours were a serious concern given that this crossed the safeguarding boundaries.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Horne 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 evidence of full 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 a 2 year review period.

I have considered the panel’s comments and support that recommendation. I have considered whether a 2 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. I believe that it does.

**This means that Ms Cheryl Horne 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 2024, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Cheryl Horne remains prohibited from teaching indefinitely.

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

Ms Cheryl Horne 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.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 10 March 2022**

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