



Teaching
Regulation
Agency

Ms Charlotte Annie Crofts: Professional conduct panel outcome

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

February 2022

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

Teacher:	Ms Charlotte Annie Crofts
Teacher ref number:	3664059
Teacher date of birth:	29 May 1991
TRA reference:	17838
Date of determination:	10 February 2022
Former employer:	High Grange School, Derby

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 to 10 February 2022 by video link, to consider the case of Ms Charlotte Crofts.

The panel members were Mr Rob Allan (lay panellist – in the chair), Ms Shamaila Qureshi (lay panellist) and Mr Steve Woodhouse (teacher panellist).

The legal adviser to the panel was Miss Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson solicitors.

Ms Charlotte Crofts was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 November 2021.

It was alleged that Ms Charlotte Crofts was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that during employment at High Grange School she:

1. Engaged in and/or developed an inappropriate relationship with Pupil A, including by:
 - a. Providing Pupil A with her mobile number;
 - b. Exchanging inappropriate messages via text and/or social media;
 - c. Taking Pupil A to her home;
 - d. Allowing Pupil A to meet her family members, including:
 - i. Her mother;
 - ii. Her brother;
 - iii. Her child;
 - e. Touching Pupil A' genital area on one or more occasions;
 - f. Allowing Pupil A to touch her genital areas on one or more occasions;
 - g. Taking Pupil A to a Teaching Assistant's house who was on maternity leave.
2. Her conduct as may be found proven at Allegation 1(g) above was against an instruction given to her by the Principal.
3. Her conduct as may be found proven at Allegation 1 above was of a sexual nature and/or was sexually motivated.

Ms Charlotte Crofts admitted the facts of allegation 1a to 1d and 1g. Ms Crofts denied allegations 1e, 1f, 2 and 3. Ms Crofts did not admit unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The presenting officer applied for the hearing to continue in the absence of the teacher.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the “Procedures”).

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel firstly took into account the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1.

The panel was satisfied that Ms Crofts was aware of the proceedings and had deliberately absented herself from the hearing. The teacher had responded to the original notice of proceedings and emailed the presenting officer in April 2021, stating that she would not be attending the hearing and did not want any further correspondence about the hearing [REDACTED]. The notice of proceedings for the hearing, starting 7 February 2022, had been sent to an address which the teacher had previously responded to. The panel therefore considered that the teacher had waived her right to be present at the hearing in the knowledge of when and where the hearing was taking place.

Given the reasons cited for not wanting to attend the hearing, and that the hearing had already been delayed due to the coronavirus pandemic, the panel did not consider that an adjournment would result in the teacher attending voluntarily.

The panel had the benefit of a letter from the teacher and her witness statements to the police, and was able to ascertain the lines of defence. The panel had the teacher’s evidence addressing mitigation and was able to take this into account at the relevant stage. The panel noted that four witnesses were to be called by the TRA and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as reasonably available on the evidence. The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration when deciding whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher’s account.

The panel recognised that the allegations against the teacher are serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of her right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing.

Application for vulnerable witness measures

The panel directed that Pupil A was to be treated as a vulnerable witness since the panel was satisfied that the quality of his evidence was likely to be adversely affected given that the allegation against the teacher was of a sexual nature and he was the alleged victim. Medical diagnoses also mean that Pupil A is recognised as significantly impaired in relation to intelligence and social functioning.

The panel decided to allow a witness supporter to accompany Pupil A.

The panel also noted that Pupil A may be identified, should the identity of his mother, also a witness in the case, be disclosed either in the hearing papers or in oral evidence.

Paragraph 4.60 of the Procedures allows the panel, if it considers it to be in the interests of justice, to decide that the name and identity of a witness, either referred to in the hearing papers or present before the panel to give oral evidence, shall not be disclosed during the hearing or at all.

The panel took into account the general rule that matters pertaining to these hearings should be held in public and took account of case law that states: "It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public's confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties' or witnesses' identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely".

The panel had regard to whether the request for anonymity of the witness ran contrary to the public interest. The panel also had regard to the principle that limited interference with the public nature of the proceedings is preferable to a permanent exclusion of the public.

The panel has decided that, in the circumstances of this case, it was appropriate to anonymise the name of Pupil A's mother. Pupil A was a vulnerable witness and the allegation against the teacher was of a sexual nature with Pupil A being the alleged victim.

Additional documents

The presenting officer applied to admit the full police statements of Witness A, Witness B and Witness C. The panel took account of the representations from the presenting officer. The panel exercised caution in exercising its discretion to admit documents under paragraph 4.25 of the Procedures, given that it had determined to proceed with the hearing in the absence of the teacher.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case. The documents were the full police statements of key witnesses to the case.

With regard to the overall question of fairness, the panel noted that the first page of each of the statements had been included in the bundle. The presenting officer explained that the whole documents had not been included in the bundle in error, but that the full documents had been disclosed to Ms Crofts on 20 November 2020 and on 1 February 2022. The presenting officer had received notification that the documents had been accessed by Ms Crofts, although Ms Crofts had not sent any further correspondence and had not disputed the admission of the whole documents into the bundle.

The panel considered that Ms Crofts had received the documents and had sufficient opportunities to make representations about it.

By reason of the above, the panel decided to admit each of the three documents.

Amendment of the allegation

At the outset of the hearing, the panel noted that the stem of allegation 1 stated 'including', rather than 'namely' or 'specifically'.

The panel accepted the legal adviser's advice that the right to a fair trial under Article 6 of the European Convention on Human Rights includes:

- i. the right to be informed promptly and in detail of the nature and cause of the accusation against the accused;
- ii. the right to have adequate time and the facilities for the preparation of the defence;

- iii. the right to obtain the attendance and examination of witnesses on the behalf of the defence.

The panel also accepted that vagueness of charges is a ground for challenge if it leads to unfairness in the proceedings. Under paragraph 4.56 of the Procedures, the panel has the power to, in the interest of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

The panel took into account the representations made by the presenting officer and exercised caution given that it had decided to proceed with the hearing in the absence of the teacher. The presenting officer stated that the allegations were clear to the teacher and the use of the word 'including' was not to encompass anything further than that as outlined in the allegations.

The panel decided not to amend the allegations to state 'namely' or 'specifically'. The panel considered that the particulars were specific, the teacher had provided her response to the allegations as currently drafted and that in due course it would receive legal advice to confine its deliberations to the allegations.

Summary of evidence

Documents

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

Section 1: Notice of proceedings – pages 2 to 11

Section 2: Teaching Regulation Agency documents – pages 13 to 405

Section 3: Teacher documents – pages 407 to 428

In addition, the panel agreed to accept the following:

- Police statement made by Witness A – pages 405a to 405c
- Police statement made by Witness B – pages 198a to 198f
- Police Statement made by Witness C – pages 404a to 404g

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 individuals, called by the presenting officer:

Witness A, [REDACTED]

Witness B, [REDACTED]

Witness C, Pupil A

Witness D, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

The teacher was employed at High Grange School (“the School”) as a form teacher and life skills teacher. Ms Crofts had undertaken her probationary year at the School, applying for the post in 2014. [REDACTED] Pupil A disclosed to his mother that he had been in a ‘relationship’ with Ms Crofts for around a year. The following morning, Pupil A’s mother called the School and a meeting was held with Pupil A. Pupil A disclosed that he and Ms Crofts had been messaging through WhatsApp and social media and that there had been consensual touching of each other’s genital areas through clothing. Pupil A is considered a vulnerable young adult, [REDACTED]. Ms Crofts was suspended and disciplinary action was taken.

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

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. Engaged in and/or developed an inappropriate relationship with Pupil A, including by:

a. Providing Pupil A with your mobile number;

The allegation was admitted and was supported by evidence presented to the panel.

In oral evidence, Pupil A stated that he and Ms Crofts had exchanged numbers as she was taking him on an offsite school trip. The panel noted that messages had been exchanged between Pupil A and Ms Crofts.

The panel considered it inappropriate in the circumstances for Ms Crofts to have provided Pupil A with her mobile number. In oral evidence, Witness D outlined a process recently followed at the School, whereby, with agreement from a pupil’s parent, a member of staff was given the mobile number of a pupil when attending an offsite trip. Should the member of staff and pupil then have been separated and it was necessary to

call the pupil using the mobile number, it was agreed with the parent that the number would then be deleted from the pupil's phone. The panel noted that, although limited, the School had a number of mobile phones available for staff use on offsite visits and it was unnecessary for Pupil A and Ms Crofts to have exchanged phone numbers.

The allegation was therefore, found proved.

b. Exchanging inappropriate messages via text and/or social media;

The allegation was admitted and was supported by evidence presented to the panel.

In oral evidence, the panel heard from Pupil A how he had given his Snapchat username to Ms Crofts and that he would communicate with Ms Crofts via WhatsApp or other social media channels on a daily basis. The panel also heard how, when making his disclosure, Pupil A had handed his mobile phone to staff members at the School.

In oral evidence, Witness D described the content of these messages and how the School had made a record of some of the messages. The panel had sight of this record in the bundle. The content of the messages included Pupil A and Ms Crofts telling each other that they loved each other. The panel accepted that it did not have sight of screenshots of the messages and that the document contained only an extract, with Pupil A stating in one of the messages that Ms Crofts had said that she sees him as a 'close mate'. The panel also noted that the record of the messages showed the exchange of Snapchat usernames, with Ms Crofts messaging 'oh so now you want me back on snapchat'.

The panel also noted that the record states that Ms Crofts had acknowledged in one of the messages that she would be in trouble should Pupil A's phone have got into the 'wrong hands'.

The panel was provided with a letter from Derbyshire Constabulary, which advised that the officer investigating the case confirmed that there was in excess of 5000 messages sent between Ms Crofts and Pupil A. The panel heard from Pupil A that this did not include messages sent via Snapchat, which disappeared once sent.

The panel also had sight of a photograph of staff members, taken on a night out, which was on Pupil A's phone.

The panel considered it inappropriate for a teacher to exchange such messages, both in terms of the content and the number of messages, with a pupil via text and social media.

The allegation was therefore, found proved.

c. Taking Pupil A to your home;

The allegation was admitted and was supported by evidence presented to the panel.

In oral evidence, Pupil A explained that he had been to Ms Crofts' house once, although had waited in the car and did not enter the house. Pupil A stated that they had been to visit a teaching assistant's house who had just had a baby, and Ms Crofts needed to change her top before returning to School as the baby had been sick on her top.

The allegation was therefore, found proved.

d. Allowing Pupil A to meet your family members, including:

i. Your mother;

ii. Your brother;

iii. Your child;

The allegation was admitted and was supported by evidence presented to the panel.

Pupil A stated in oral evidence that he had been to Ms Crofts' mother's house, recalling that he had hurt his ankle and they went to pick up a bucket. In her letter, Ms Crofts also mentions visiting her mother's house to take a bucket to use to put ice in for Pupil A's ankle. Pupil A stated in his oral evidence that he had met Ms Crofts' child and Ms Crofts stated that her mother would look after her child whilst she was at work.

In oral evidence, Pupil A stated that he had never met Ms Crofts' brother. However, the panel noted that Pupil A was being asked to recollect an incident over four years ago and that Ms Crofts has admitted that her brother can recall Pupil A being at the house.

The allegation was therefore, found proved.

e. Touching Pupil A' genital area on one or more occasions;

The panel heard from Pupil A how Ms Crofts would touch his genital area, over the top of his clothing, when in the car. In her written representations, Ms Crofts categorically denied this allegation.

The panel was provided with background as to the life skills curriculum that Ms Crofts taught at the School. It was not unusual for Ms Crofts to take Pupil A on authorised trips outside of the School and the panel heard from Witness B and Witness D as to the risk assessments that were carried out and approval provided for such trips.

During evidence, Pupil A stated that Ms Crofts would sometimes touch him underneath his trousers, but on top of his underwear. This had not been mentioned in his witness statement or statement to the police. In his written statements, Pupil A had stated that he and Ms Crofts had touched each other over clothing. However, the panel considered that Pupil A had been consistent throughout that the touching was on top of clothing and that there had been no skin to skin contact.

The panel found Pupil A to be a credible witness. The panel also heard from Witness B and Witness D, who knew Pupil A well and were present during the initial disclosure meeting with Pupil A, that Pupil A had appeared reluctant to make the disclosure and had come across as genuine, with high emotions. The panel heard some detail as to Pupil A's character, [REDACTED].

In written representations, Ms Crofts stated that Pupil A was aggressive and threatening towards her. She stated that Pupil A would threaten to 'end' her career if she did not do as he said or what he wanted, and regularly cornered her and made her cry on a daily basis. While it was acknowledged by witnesses that Pupil A was, at the time he joined the School, [REDACTED] the panel heard from Witness B that during the school year in question, Pupil A's behaviour had been exemplary. The panel questioned Witness B and Witness D as to whether Ms Crofts had ever raised concerns in relation to Pupil A's behaviour with them. Witness D recalled Ms Crofts mentioning on one occasion that she felt Pupil A was upset as she was due to get married soon. Witness D had spoken to Pupil A, who confirmed that "people were always speaking about the wedding a lot", but that no further issues were raised.

Ms Crofts' suggestion that Pupil A's actions, in making a disclosure, are malicious is also inconsistent with the reasoning Pupil A provided for making the disclosure. In oral evidence, Pupil A explained that he did not realise at the time it was inappropriate, but had spoken to Witness D and asked questions around the situation, albeit did not state the situation. This was corroborated by Witness D, who stated that they had a personal social health education lesson with Pupil A, where Pupil A had made a comment as to how professional Witness D was as a teacher. Witness D explained that they had then spoken about professional boundaries, initially thinking that Pupil A's comments had been in relation to a person within the school disclosing confidential information to him. Pupil A then spoke to his mother that evening, and disclosed the allegations about Ms Crofts to Witness B and Witness D the next day at the School.

The panel also had sight of the records of messages between Pupil A and Ms Crofts, recording that Pupil A had asked Ms Crofts to 'accept his decision' and stated that 'I feel like my actual reasons for wanting to stay with you and the reasons you think I want to stay with you are completely different...I love you'. The panel accepted that these messages were in relation to Pupil A changing form groups. The panel also heard consistent accounts from Pupil A, Witness A and Witness B how Pupil A had requested to move forms for the next school year, but that Pupil A had later changed his mind. Pupil A stated that, in hindsight, he recognised that this was due to the "manipulation" of Ms Crofts asking him to stay in his current form group. The panel considered the records of the messages to be consistent with this account, and contrary to Ms Crofts' position that she was scared of Pupil A.

The panel therefore, found this allegation proved.

f. Allowing Pupil A to touch your genital areas on one or more occasions;

The panel heard from Pupil A that he was quite a 'flirty' person and would instigate touching Ms Crofts on her thigh. Pupil A also stated that Ms Crofts would guide his hand more towards her crotch area, but it was mostly instigated by him and Ms Crofts never told Pupil A to stop touching her.

For the reasons outlined above with regard to allegation 1e, in relation to Pupil A's credibility and the discrepancies between the accounts, the panel found this allegation proved.

g. Taking Pupil A to a Teaching Assistant's house who was on maternity leave.

The allegation was admitted and was supported by evidence presented to the panel.

In his oral evidence, Pupil A stated that he had visited the teaching assistant's house with Ms Crofts, while the teaching assistant was on maternity leave, to see the new born baby. The panel also had sight of a witness statement from the teaching assistant, confirming that Pupil A and Ms Crofts had visited her home, as well as a picture of Pupil A holding a new born baby in a living room.

The panel therefore, found this allegation proved.

2. Your conduct as may be found proven at Allegation 1(g) above was against an instruction given to you by the Principal.

In oral evidence, Pupil A stated that he had wanted to see the teaching assistant and had asked Ms Crofts if they could go round to her house. Pupil A stated that Ms Crofts had asked the principal, who had said no and that this was not appropriate. Pupil A expressed that at the time he did not agree with the principal's decision.

In his written statement, Witness B stated that Ms Crofts asked him if he could take Pupil A to see the teaching assistant at her home and he said no and that it would be inappropriate. Witness B also stated that Pupil A had later directly asked him if he could go see the teaching assistant's new baby, and that he had not given permission.

In her written letter, Ms Crofts states that she recalls the principal giving permission to take Pupil A to see the new born baby, but had denied permission for them to go to the teaching assistant's house as requested by Pupil A. Ms Crofts then states that they had met the teaching assistant at a nearby café. However, the panel considered this to be inconsistent with Pupil A's account, which stated that they had visited the teaching assistant at her home, and the witness statement of the teaching assistant which also stated that Pupil A and Ms Crofts had visited her at her home. The panel also had sight of a photograph of Pupil A holding a new born baby, which appeared to be taken in a

living room. The panel also noted that Ms Crofts admitted to taking Pupil A to a teaching assistant's house.

The panel therefore, found this allegation proved.

3. Your conduct as may be found proven at Allegation 1 above was of a sexual nature and/or was sexually motivated.

The panel considered the allegations as found proved at 1a to 1g.

In relation to allegation 1a, the panel noted that both Pupil A and Ms Crofts had stated that the exchange of mobile numbers was due to an offsite visit. Although inappropriate and unnecessary, the panel did not find this to be of a sexual nature or sexually motivated.

In relation to allegation 1b, the panel noted the confirmation from the police that there were over 5,000 messages between Pupil A and Ms Crofts. However, the panel did not have sight of these messages. The panel noted that the record of the messages stated that Ms Crofts had sent messages to Pupil A, including the words 'I love you', when discussing the change of form group. However, the panel also noted that the record stated that, Pupil A had sent a message to Ms Crofts, stating that she had said to him that she sees him as a close mate. The panel considered that, although there were a vast number of messages exchanged and that this was inappropriate, it did not have evidence that these were of a sexual nature. The panel did not find Ms Crofts' actions as found proven in allegation 1b to be of a sexual nature and/or sexually motivated.

In relation to allegation 1c and 1d, the panel found that Ms Crofts had taken Pupil A to her home, albeit that he had not entered her home, and allowed him to meet family members at her mother's house. The panel considered this to be inappropriate and ill-advised, but that it had been presented with credible explanations as to the reasoning for these trips. For instance, it was stated that Ms Crofts had gone to her home to change her top after a baby had been sick on her and gone to her mother's house to pick up an ice bucket for Pupil A's injured ankle. The panel did not find Ms Crofts' actions as found proven in allegations 1c and 1d to be of a sexual nature and/or sexually motivated.

In relation to allegations 1e and 1f, the panel considered these actions to be inherently sexual. The panel did not consider there to be a reasonable explanation for such actions, other than to obtain sexual gratification. The panel found Ms Crofts' actions in relation to allegations 1e and 1f to be of a sexual nature and sexually motivated.

In relation to allegation 1g, the panel noted that the request to visit the teaching assistant had been initiated by Pupil A. The panel also noted that Ms Crofts had sought permission from the principal for such a visit, in line with the School policy, although such permission had not been granted. The panel did not find Ms Crofts' actions in relation to allegation 1g to be of a sexual nature and/or sexually motivated.

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 Crofts, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Crofts 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.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In finding allegations 1, 2 and 3 proven, the panel considered that Ms Crofts had not observed proper boundaries appropriate to a teacher’s professional position. The panel noted that Pupil A was a vulnerable young adult, [REDACTED] The panel considered that Ms Crofts had not had regard for the need to safeguard Pupil A’s wellbeing, developing an inappropriate relationship with him. The panel heard from Pupil A that he was “sad” going into school, which had prompted him to request a change in form group, and from Witness A, Witness B and Witness D of the significant impact the end of the ‘relationship’ had on Pupil A’s mental health and progress made at the School.

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

The panel also considered whether Ms Crofts’ conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offence of sexual activity was relevant, given the finding of touching that was of a sexual nature and sexually motivated.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that allegation 1b took place outside the education setting. However, Ms Crofts was Pupil A's teacher at the time and had obtained Pupil A's number due to the position of trust that exists between a teacher and a pupil.

Accordingly, the panel was satisfied that Ms Crofts 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 considered that the public would have a negative perception of Ms Crofts messaging Pupil A on a daily basis, of inappropriate touching between pupil A and Ms Crofts, and of Ms Crofts acting against the School's code of conduct.

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

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Ms Crofts' 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. 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 and other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Ms Crofts, which involved exchanging messages and touching which was of a sexual nature and sexually motivated, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of an inappropriate relationship with Pupil A. The panel also found that there was a public interest consideration in respect of other members of the public, given the impact the inappropriate relationship between Pupil A and Ms Crofts had on his relationships with others.

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

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 Crofts.

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 Crofts. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though 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.

Ms Crofts' actions were deliberate and she was not acting under duress. Ms Crofts' position was that Pupil A would control her and that she was scared of Pupil A. However, the panel did not find this to be the case.

Ms Crofts had a previously good record.

The panel heard from Witness B and Witness D that Ms Crofts was an "impressive" teacher. The panel also had sight of three character references in the bundle, which reinforced this view, describing Ms Crofts as a dedicated and talented teacher.

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 Crofts 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 Crofts. The finding of sexual motivation was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes 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 her professional position to influence or exploit a person or persons. The panel found that Ms Crofts was responsible for touching Pupil A's genital area and allowing Pupil A to touch her genital area. The panel considered that Ms Crofts was aware that Pupil A was a vulnerable young adult and it had heard evidence as to the harm the

inappropriate relationship had caused to Pupil A, particularly when communication ended between Pupil A and Ms Crofts. [REDACTED].

The panel has not seen evidence that Ms Crofts has shown insight into or remorse for her actions. The panel noted that Ms Crofts had admitted some of the allegations, but had not provided an explanation of the steps that she would take in the future to prevent such incidents happening again.

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, although I note that in respect of allegation 3 they have found this proven only in respect of allegations 1e and 1f. The panel has also found that those proven facts 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 Ms Crofts should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Ms Crofts 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 findings of misconduct are particularly serious as they include a finding of sexual motivation.

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 Crofts, and the impact that will have on her, 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 that it determined the found behaviour, “involved exchanging messages and touching which was of a sexual nature and sexually motivated, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of an inappropriate relationship with Pupil A.” 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 has not seen evidence that Ms Crofts has shown insight into or remorse for her actions. The panel noted that Ms Crofts had admitted some of the allegations, but had not provided an explanation of the steps that she would take in the future to prevent such incidents happening again.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being 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, “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 considered that the public would have a negative perception of Ms Crofts messaging Pupil A on a daily basis, of inappropriate touching between pupil A and Ms Crofts, and of Ms Crofts acting against the School’s code of conduct.”

I am particularly mindful of the finding of sexual motivation 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 Ms Crofts herself. The panel comment “Ms Crofts had a previously good record. The panel heard from Witness B and Witness D that Ms Crofts was an “impressive” teacher. The panel also had sight of three character references in the bundle, which reinforced this view, describing Ms Crofts as a dedicated and talented teacher.”

A prohibition order would prevent Ms Crofts 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 concerning the lack of insight or remorse. The panel has also said, “The panel found that Ms Crofts was responsible for touching Pupil A’s genital area and allowing Pupil A to touch her genital area. The panel considered that Ms Crofts was aware that Pupil A was a vulnerable young adult and it had heard evidence as to the harm the inappropriate relationship had caused to Pupil A, particularly when communication ended between Pupil A and Ms Crofts.”

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

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

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

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes 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 her professional position to influence or exploit a person or persons.”

I have considered whether 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 mean that a no review is necessary are the serious sexually motivated misconduct and the lack of insight or remorse.

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

This means that Ms Charlotte Crofts 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 her, I have decided that Ms Charlotte Crofts shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Charlotte Crofts 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', with a stylized flourish at the end.

Decision maker: Alan Meyrick

Date: 14 February 2022

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