



Teaching  
Regulation  
Agency

# **Mr Peter Harman: Professional conduct panel meeting outcome**

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

**October 2022**

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

**Teacher:** Mr Peter Harman

**TRA reference:** 20257

**Date of determination:** 4 October 2022

**Former employer:** Weston Road Academy, Stafford

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 4 October 2022 by virtual means, to consider the case of Mr Peter Harman.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Mrs Bev Williams (teacher panellist) and Mrs Victoria Jackson (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Harman that the allegations be considered without a hearing. Mr Harman provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Louise Ravenscroft of Capsticks LLP, Mr Harman or his representative, Mr Lawrence Shaw of NASUWT.

The meeting took place in private.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 14 September 2022.

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

While employed as a teacher at Weston Road Academy:

1. Between around 11 May 2020 and 17 May 2020, he exchanged one or more emails with Pupil A that:

- a. were exchanged outside of normal school hours;
- b. included comments about his private life and/or matters not relating to school;
- c. included one or more photographs of him;
- d. asked Pupil A to send him photographs of her.

2. Between around 18 January 2021 and 9 May 2021, he exchanged one or more messages with Pupil A via text message and/or WhatsApp:

- a. using his personal mobile number;
- b. that were exchanged outside of normal school hours;
- c. that included comments about his private life and/or matters not relating to school;
- d. included one or more photographs of him.

3. Between around 5 April 2020 and 7 May 2020, he exchanged one or more emails with Pupil B that:

- a. were exchanged outside of normal school hours;
- b. included comments about his private life and/or matters not relating to school;
- c. included one or more photographs of him;
- d. asked Pupil B to send him photographs of her.

4. On or around 17 May 2020, he sent an email to Pupil A, Pupil B, Pupil C and Pupil D stating “send me your Sunday selfies” or words to that effect.

5. By his conduct at any or all of 1-4 above he failed to observe a proper boundary appropriate to a teacher’s professional position.

Mr Harman has admitted the facts of the allegations and that those facts amount unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 4 to 7

Section 2: Notice of referral, response and notice of meeting – pages 8 to 26

Section 3: Statement of agreed facts and Presenting Officer representations – pages 27 to 43

Section 4: Teaching Regulation Agency documents – 44 to 316

Section 5: Teacher documents – pages 317 to 321

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Harman on 21 July 2022.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Harman for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Harman was employed as a teacher of languages at Weston Road Academy (“the School”) from 1 September 2018. Mr Harman was suspended by the School on 7 June 2021. A formal disciplinary hearing took place on 19 July 2021 and Mr Harman was summarily dismissed.

## **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:

### **While employed as a teacher at Weston Road Academy,**

#### **1. Between around 11 May 2020 and 17 May 2020, you exchanged one or more emails with Pupil A that:**

- a. were exchanged outside of normal school hours;**
- b. included comments about your private life and/or matters not relating to school;**
- c. included one or more photographs of you;**
- d. asked Pupil A to send you photographs of her.**

Mr Harman has admitted this allegation both in his response dated 7 April 2022 to the notice of referral and in the statement of agreed facts dated 21 July 2022.

The panel has seen the following emails exchanges between Mr Harman and Pupil A in which Mr Harman used his School email address. All of the exchanges arose during the period of the School closure in response to the Covid19 restrictions:

- Email dated 11 May 2020 at 10:30pm, sent by Mr Harman outside of normal School hours, responding to an email received from Pupil A. Within the email Mr Harman asked for a picture of Pupil A by stating, “Anyway send me a selfie to remind me what you look like!” Mr Harman enclosed a photograph of himself. Mr Harman concluded the email by stating “Here if you need anything of [sic] just want to chat! Take care! Mr H xx!”.
- Pupil A responded and sent a photograph of herself to Mr Harman.
- Email dated 12 May 2020 at 1:44pm sent by Mr Harman. Mr Harman described the photo of Pupil A as “gorgeous” and stated that her hair looked great, and that she looked really tanned. Mr Harman sent Pupil A a picture of his step-daughter. Mr Harman requested further pictures from Pupil A in relation to her hair being dyed, and stated “Show me your attempts”. He also responded to Pupil A having informed him that she had been doing gymnastics in the garden and challenged her to film herself doing “something gymnastic and bendy”.

- Email dated 12 May 2020 at 7:08pm sent by Mr Harman outside of normal School hours. Mr Harman included a photograph of himself and stated “Hi, Last time I had my hair cut 9 weeks ago!! Any good at hair cuts?! Watching a film tonight!! Mr H x.
- Email dated 15 May 2020 at 1:23pm sent by Mr Harman informing Pupil A of the number of achievement points she had received that week.
- Email dated 15 May 2020 at 1:57pm from Mr Harman informing Pupil A that he would find out from which lessons Pupil A was awarded achievements points. Mr Harman signed off the email with “Mr H xx”.
- Email dated 15 May 2020 at 5:09pm from Mr Harman asking what Pupil A thought of the photograph. Mr Harman signed off the email with an “X”.
- Email dated Saturday, 16 May 2020 at 7:56pm from Mr Harman requesting further photos from Pupil A asking her if she had “a pic of you and your Weston mates to send me?”. Mr Harman signed off the email with an “X”.

It is apparent from the face of the emails that some of the messages were sent by Mr Harman outside of normal School hours.

Based on these emails and Mr Harman’s admissions the panel found this allegation proven in its entirety.

**2. Between around 18 January 2021 and 9 May 2021, you exchanged one or more messages with Pupil A via text message and/or WhatsApp:**

**a. using your personal mobile number;**

**b. that were exchanged outside of normal school hours;**

**c. that included comments about your private life and/or matters not relating to school;**

**d. included one or more photographs of you.**

Mr Harman has admitted this allegation both in his response dated 7 April 2022 to the notice of referral and in the statement of agreed facts dated 21 July 2022.

The panel has seen the following text messages and/or WhatsApp messages between Mr Harman and Pupil A in which Mr Harman used his personal mobile phone. All of the exchanges arose during the period of the School closure in response to the Covid19 restrictions.

- Text message from Mr Harman to Pupil A on Monday 18 January 2021 at 5:30pm, outside School hours. Mr Harman sought to check that he had the correct number for Pupil A, and said that he would need to check with her mother that he could call Pupil A on that number. A further message stated that Mr Harman had tried to

call Pupil A's mother and hadn't got through, but had sent her an email instead. He enquired whether Pupil A had [REDACTED].

- Text message from Mr Harman to Pupil A on 19 January 2021 at 8:40pm, outside School hours. Mr Harman asked "You ok?"
- Text message from Mr Harman to Pupil A on 22 January 2021. Mr Harman asked "Are you ok?"
- Text message accidentally sent by Pupil A to Mr Harman on 27 April 2021 at 7:47pm. It was apparent that Pupil A had intended to send the message [REDACTED]. The message referred to Pupil A [REDACTED]. Mr Harman responded telling Pupil A that he missed her and told her that he would find time for a chat about [REDACTED].
- Text message from Mr Harman to Pupil A on 28 April 2021 at 7:02pm, outside School hours, asking how she had got on that day.
- Text message from Mr Harman to Pupil A on 29 April 2021 at 5:37pm, outside School hours, asking if she had had a good day.
- WhatsApp message from Mr Harman to Pupil A on 7 May 2021 at 8:26pm, outside School hours. Mr Harman asked Pupil A what she was doing and talked about having been with his son to the same restaurant that Pupil A was in. An exchange continued and the last message Mr Harman sent was at 10:26pm.
- WhatsApp message sent by Mr Harman on Saturday 8 May 2021, outside School hours responding to a message from Pupil A stating she was at the gym. During the exchange Mr Harman sent a photo of himself, rowing.
- WhatsApp message sent by Mr Harman on Sunday 9 May 2021, at 7:37pm outside School hours. The message asked if Pupil A was ok.

In October 2020, the School published a Remote Teaching – MS teams acceptable use policy. This required that contact with learners should not take place outside of the operating times of 8:45am – 3:15pm.

Based on these messages and Mr Harman's admissions the panel found this allegation proven in its entirety.

**3. Between around 5 April 2020 and 7 May 2020, you exchanged one or more emails with Pupil B that:**

- a. were exchanged outside of normal school hours;**
- b. included comments about your private life and/or matters not relating to school;**
- c. included one or more photographs of you;**
- d. asked Pupil B to send you photographs of her.**



Mr Harman has admitted this allegation both in his response dated 7 April 2022 to the notice of referral and in the statement of agreed facts dated 21 July 2022.

The panel has seen many email exchanges between Mr Harman and Pupil B in which Mr Harman used his School email address. All of the exchanges arose during the period of the School closure in response to the Covid19 restrictions. A sample of these email exchanges include the following:

- Emails dated 27 April 2020 sent by Mr Harman at 6:23pm and 8:22pm outside School hours, after Mr Harman had bumped into Pupil B when out running / walking with his family. Within these emails Mr Harman stated “Wow! What a lovely surprise to see you this afternoon! Knew we’d bump into each other at some point! You looked great!! Fab tan!!.” “I’d suggest going for a run together but you’d leave me behind!!”. He went on to ask Pupil B to “keep in touch! Gutted if I don’t have you in my form next year.” Mr Harman signed off the emails with “XX”, “Mr H xx.”
- Emails dated 28 April 2020 sent at 10:37am, 11:47am, 2:44pm and 10:22pm (outside School hours) by Mr Harman to Pupil B. Mr Harman referred to his children and asked Pupil B about horse riding. Pupil B mentioned having a sister. Continuing the dialogue, Mr Harman stated he hadn’t realised Pupil B had a sister at school, and asked about her. Mr Harman requested a photo of Pupil B and her sister so he could see if they were alike. He subsequently responded to pictures sent by Pupil B of herself and her sister and stated “Oh my you do look similar” and asked Pupil B to say “hi to her” and her mum. Mr Harman commented on a television programme before wishing Pupil B goodnight. Mr Harman signed off the emails with “Mr H xx” and “xx”.
- Email dated 29 April 2020 sent at 2:43pm and 7:41pm (outside School hours) by Mr Harman to Pupil B. He made a comment regarding Pupil B and her sister taking exams, before commenting on a television programme. He enquired where a photo of Pupil B had been taken. Mr Harman included pictures of his sons and himself. He asked Pupil B whether she had “done any video calls?”. Mr Harman signed off the emails with “Mr H xx”.
- Emails dated 30 April 2020 sent at 12:17pm, 2:29pm and 3:31pm, 4:41pm and 6:28pm, 8:34pm, 9:31pm, 9:47pm and 11:00pm (outside School hours) by Mr Harman to Pupil B. He commented on running, kayaking and food and enquired with Pupil B had done any cooking. He provided a list of musicians and bands was exchanged and they discussed a television programme. Pupil B referred to her friendship group and Mr Harman asked for a picture of Pupil B with her best friend. He signed his emails off with “Mr H xx”, “Mr H x”, “X” and “xx”.
- Emails dated 1 May 2020 sent at 10:57am, 2:38pm, 3:07pm and 3:51pm, 11:17pm (outside School hours) by Mr Harman to Pupil B. Mr Harman asked Pupil B how she slept and what her plans were for the weekend. He provided her with a

screenshot of music that he was listening to. He asked if she reads. Mr Harman signed off his emails with “Mr H x”, “Xx” .

- Emails dated Saturday 2 May 2020 sent at 1:59pm and 8:09pm by Mr Harman to Pupil B. Mr Harman commented on his plans for the weekend and his forthcoming wedding anniversary. He asked Pupil B if she knew what he had bought the previous day. Mr Harman signed off his emails with “Xx”.
- Emails dated Sunday 3 May 2020 sent at 1:32pm, 10:18pm, 10:55pm, 10:57pm and 11:03pm by Mr Harman to Pupil B. Mr Harman asked Pupil B to guess what he had bought and continued the guessing game, before he confirmed he had bought a caravan. He asked Pupil B if she had had a good weekend. Mr Harman signed off some of the emails with a “x”.
- Email dated 4 May 2020 sent at 12:03pm by Mr Harman to Pupil B, continuing a discussion about his family and his caravan. Mr Harman signed off his email with “Mr H xx”.
- Email dated 5 May 2020 sent at 10:35am and 1:24pm by Mr Harman to Pupil B. Mr Harman discussed how he spent his evening and his music taste, asked Pupil B about her plans and asked where she would like to be in the world. He asked Pupil B about her future career plans. Mr Harman signed off the emails with Mr H xx” and “xx”.
- Email dated 5 May 2020 sent at 1:53pm by Mr Harman to Pupil B referring to the future career and/or academic opportunities for Pupil B. He made comments regarding his own children and signed off the email with “Mr H xx”.
- Emails dated 6 May 2020 sent at 11:05am and 6:20pm by Mr Harman to Pupil B. Mr Harman offered that his son could show her around Liverpool. He asked Pupil B about shopping. Mr Harman signed off the emails with “Mr H xx” and “X”.
- Email dated 7 May 2020 sent at 08:48am by Mr Harman to Pupil B asking for a selfie of Pupil B “hard at work!! Put something funny/cute/unusual in the background”. Mr Harman signed off the email with “Mr H x”.

Based on these messages and Mr Harman’s admissions the panel found this allegation proven in its entirety.

#### **4. On or around 17 May 2020, you sent an email to Pupil A, Pupil B, Pupil C and Pupil D stating “send me your Sunday selfies” or words to that effect.**

Mr Harman has admitted this allegation both in his response dated 7 April 2022 to the notice of referral and in the statement of agreed facts dated 21 July 2022.

The panel has seen an email dated Sunday, 17 May 2020 from Mr Harman to Pupil A, Pupil B, Pupil C and Pupil D at 10:21am. The email contains personal details regarding Mr Harman’s family and he requested photos from the pupils. He included a photograph

of himself within the email. This email was sent during the period of the School closure in response to the Covid19 restrictions.

Based on the email and Mr Harman's admissions this allegation was found proven.

#### **5. By his conduct at any or all of 1-4 above you failed to observe a proper boundary appropriate to a teacher's professional position.**

Mr Harman has admitted this allegation both in his response dated 7 April 2022 to the notice of referral and in the statement of agreed facts dated 21 July 2022.

It is clear from the content of the text messages that he failed to observe proper boundaries when conversing with the pupils. His routine use of "xx" to depict kisses was inappropriate. Sending messages outside of normal School hours was also inappropriate. The messages he sent were of a personal nature and overstepped the boundary between pupil and teacher.

The panel considered whether Mr Harman's actions were appropriate given the circumstances at the time. The Covid pandemic and the shift to remote learning, posed a challenge as to how best to support pupils outside the School premises. However, the panel noted that Mr Harman's behaviour continued over a significant period. In October 2020, the School adopted a Remote Teaching – MS Teams Acceptable Use Policy. This stated that use of personal accounts to communicate with learners and/or parents over MS Teams was not permitted and that staff were required to use work provided equipment where possible. Whilst the allegations do not concern communication with pupils using MS Teams, it ought to have been apparent that he should not have been using a personal mobile number. The policy went on to mandate that online contact with learners did not take place outside the School's operating times of 8:45am to 3:15pm. Whilst it is apparent that the School developed its guidance as the pandemic continued, Mr Harman did not modify his behaviour.

The panel found this allegation proven.

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

Having found all 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 Mr Harman in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Harman 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
- showing tolerance of and respect for the rights of others

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 safeguarding of pupils was paramount, and although it is clear that Mr Harman's intentions were to support the pupils through a difficult time, the methodologies he adopted meant there was a risk that pupils may not have had their welfare supported in line with the School's usual processes. Pupils were contacted out of School hours and at weekends, at times they were entitled to expect their teacher not to be in contact with them. The panel was satisfied that the conduct of Mr Harman fell significantly short of the standards expected of the profession. It has to be noted however, Pupil A accessed additional support due the information Mr Harman received through his communication with her that he reported through the appropriate channels.

The panel also considered whether Mr Harman's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel noted that some of the emails were sent outside of School hours and were therefore outside of the education setting. It is apparent that Mr Harman's conduct was well-intentioned to support his pupils wellbeing. However, the subject matter discussed and the timing of his emails crossed the boundaries of what was acceptable, leaving him and the pupils vulnerable to his intentions being misinterpreted.

Accordingly, the panel was satisfied that Mr Harman 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 they behave.

The findings of misconduct were 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 Mr Harman's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the particulars proved, the panel further found that Mr Harman'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. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel 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; and declaring and upholding proper standards of conduct.

There was a public interest consideration in respect of the protection of pupils given that Mr Harman was communicating with pupils about non-school related matters outside of school hours.

Similarly, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Harman was not treated seriously when regulating the conduct of the profession.

The panel decided that a public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Harman was outside that which could reasonably be tolerated.

The panel noted Mr Harman has had an unblemished career of over 30 years at the time of the matters alleged. In that time, he has made a significant contribution to teaching, and this weighs heavily in the panel's minds when considering whether a prohibition order is proportionate.

Although public interest considerations are 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 Harman.

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 Harman. 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 are relevant in this case are:

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

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

The panel considered that Mr Harman had abused his position in his communications with the pupils, but that he had not abused the trust placed in him, since there is no question of Mr Harman seeking to groom the pupils in any way. It is apparent that all of the communications were well-intentioned, seeking to continue contact and support the pupils through a difficult period.

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.

Mr Harman's actions were deliberate, but were not malicious. There was no ulterior motive other than to support the pupils, with the best of intentions.

The panel accepted that Mr Harman was acting under duress given the circumstances of the pandemic. He was working in isolation at home, and was unable to see his own children for months. He has described the difficulties he had [REDACTED].

Mr Harman has a previously good professional history of some 32 years, with an unblemished record. Generations of children will have been positively impacted by his contribution to education. There was no suggestion that Mr Harman had communicated in this manner with pupils prior to the pandemic.

The panel had no concerns regarding Mr Harman repeating these actions. He has never sought to deny the allegations, having fully admitted them during the course of the School's investigation and the TRA proceedings. He recognises that he should have reached out for support for himself during the pandemic and that he was gaining support from his conversations with pupils. He accepted counselling support as soon as it was offered to him by the School.

Mr Harman has produced testimonial evidence from a former colleague who worked with Mr Harman some time ago. The panel could not place significant weight upon this evidence given the passage of time since the colleague had last worked with Mr Harman in 1997. He has also adduced evidence from friends who have known him for 35 years who have confirmed the passion that Mr Harman has for teaching.

Mr Harman has apologised unreservedly to the pupils, their parents, the School and to his profession. He has demonstrated significant insight as to the cause of his actions, has received counselling and has taken steps to address his stress.

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, recommending no prohibition order was a proportionate and appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

The panel determined that a recommendation for a prohibition order would not be appropriate in this case.

## **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.

The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Harman 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
- showing tolerance of and respect for the rights of others

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.

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 Harman, 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, "The safeguarding of pupils was paramount, and although it is clear that Mr Harman's intentions were to support the pupils through a difficult time, the methodologies he adopted meant there was a risk that pupils may not have had their welfare supported in line with the School's usual processes. Pupils were contacted out of School hours and at weekends, at times they were entitled to expect their teacher not to be in contact with them." 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, "Mr Harman has apologised unreservedly to the pupils, their parents, the School and to his profession. He has demonstrated significant insight as to the cause of his actions, has received counselling and has taken steps to address his stress." 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 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 they behave."

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 Harman himself. The panel comment "The panel noted Mr Harman has had an unblemished career of over 30 years at the time of the matters alleged. In that time, he has made a significant contribution to teaching, and this weighs heavily in the panel's minds when considering whether a prohibition order is proportionate."

A prohibition order would prevent Mr Harman 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 concerning the presence of both insight and remorse. I have also taken into account the panel's comment, "Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case."

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



**Decision maker: Alan Meyrick**

**Date: 6 October 2022**

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