



Teaching  
Regulation  
Agency

# **Mr Gary Crossley: Professional conduct panel meeting outcome**

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

**September 2022**

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

<b>Teacher:</b>	Mr Gary Crossley
<b>Teacher ref number:</b>	0832235
<b>Teacher date of birth:</b>	9 April 1970
<b>TRA reference:</b>	19124
<b>Date of determination:</b>	29 September 2022
<b>Former employer:</b>	Thomas Clarkson Academy, Cambridgeshire

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 29 September 2022 by way of a virtual meeting, to consider the case of Mr Gary Crossley.

The panel members were Mr Clive Sentance (teacher panellist – in the chair), Ms Dawn Hawkins (teacher panellist) and Ms Shamaila Qureshi (lay panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts 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 Crossley that the allegations be considered without a hearing. Mr Crossley provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Ruth Miller of Fieldfisher LLP, Mr Crossley or any representative for Mr Crossley.

The meeting took place in private by way of a virtual meeting.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 20 September 2022.

It was alleged that Mr Crossley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Thomas Clarkson Academy:

1. He failed to maintain professional boundaries in relation to Pupil A when:
  - a) He provided his personal contact details to Pupil A on the evening of the Thomas Clarkson Academy Summer Prom.
  - b) He contacted Pupil A on a repeated basis via WhatsApp and/or text message.
  - c) He met with Pupil A alone socially on one or more occasions, including in June 2019.
  - d) He messaged Pupil A commenting on her appearance between 21 July 2018 and 15 July 2019.
  - e) He repeatedly commented on Pupil A's profile picture on Whatsapp including on 07 August 2018, 24 December 2018, 8 April 2019, 23 April 2019 and 29 August 2019.
  - f) He repeatedly messaged Pupil A asking about her personal relationships between 21 July 2018 and 31 August 2019.
  - g) He messaged Pupil A in relation to his personal romantic relationship/s and relationship breakdown, including in relation to:
    - i. Person A between 21 July 2018 and 14 August 2019.
    - ii. Person B between 29 July 2018 and 25 December 2018.
    - iii. Person C between 20 August 2018 and 03 October 2018.
    - iv. Person D between 06 September 2018 and 03 October 2018.
    - v. Person E between 01 September 2018 and 14 August 2019.
  - h) He repeatedly messaged Pupil A messages which were of an inappropriate and / or sexual nature between 21 July 2018 and 2 September 2019.
  - i) On 4 September 2018, he suggested to Pupil A that she should tell her mother a "story", which was made up, so he would be hired as Pupil A's maths tutor.
  - j) On 18 December 2018, he gave Pupil A a gift.
  - k) He repeatedly wrote an 'x' on the end of his messages, indicating a kiss.
2. His communication with Pupil A, as set out in paragraph 1(d), (e), (h), (k) was sexually motivated.
3. He failed to maintain professional boundaries with former Pupil B on or after September 2017 when he:
  - a) asked for, and exchanged, personal contact details with former Pupil B.

- b) repeatedly messaged former Pupil B via text message.
  - c) on one or more occasions, he asked former Pupil B to meet him for a "coffee" or go for a meal.
  - d) messaged former Pupil B in relation to his personal romantic relationship break down.
  - e) said to former Pupil B that "hope your knickers didn't get wet" or words to that effect.
4. On 9 September 2019, he said to Pupil C "[Pupil C] don't fucking swear" after Colleague E had told Pupil C not to swear.

Mr Crossley admitted the facts of allegations 1 to 4 and that his behaviour amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the response to the notice of referral dated 12 January 2022 and in the statement of agreed facts signed by Mr Crossley on 26 February 2022.

## **Preliminary applications**

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

## **Summary of evidence**

### **Documents**

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 19
- Section 3: Statement of agreed facts and presenting officer representations – pages 20 to 27

- Section 4: Teaching Regulation Agency documents – pages 28 to 1704
- Section 5: Teacher documents – pages 1705 to 1706

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

## **Statement of agreed facts**

The panel considered a statement of agreed facts, which was signed by Mr Crossley on 26 February 2022.

## **Decision and reasons**

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Crossley 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 Crossley commenced employment at Thomas Clarkson Academy ('the School') on 1 July 2013.

Between September 2017 and September 2019, Mr Crossley was in communication with Pupil A and former Pupil B. On 9 September 2019, an incident occurred with Mr Crossley, Colleague E and Pupil C. On 12 September 2019, Colleague E reported the incident.

On 13 September 2019, the school commenced a formal investigation into Mr Crossley's conduct. On 16 September 2019, Mr Crossley attended an investigation meeting with the School regarding swearing in front of Pupil C.

On 23 September 2019, a pupil sought advice from the school's safeguarding co-ordinator regarding Mr Crossley's communication with pupils/ex-pupils. The School contacted the LADO regarding Mr Crossley's conduct.

The School interviewed former Pupil B on 27 September 2019 and interviewed (by then former) Pupil A on 30 September 2019.

Mr Crossley attended an investigation meeting with the School regarding his contact with pupils/ex-pupils on 29 October 2019.

A disciplinary hearing took place on 6 January 2020 and Mr Crossley's employment at the School ceased on 7 January 2020.

## 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 professional boundaries in relation to Pupil A when:
  - a) You provided your personal contact details to Pupil A on the evening of the Thomas Clarkson Academy Summer Prom.
  - b) You contacted Pupil A on a repeated basis via WhatsApp and/or text message.
  - c) You met with Pupil A alone socially on one or more occasions, including in June 2019.
  - d) You messaged Pupil A commenting on her appearance between 21 July 2018 and 15 July 2019.
  - e) You repeatedly commented on Pupil A's profile picture on Whatsapp including on 07 August 2018, 24 December 2018, 8 April 2019, 23 April 2019 and 29 August 2019.
  - f) You repeatedly messaged Pupil A asking about her personal relationships between 21 July 2018 and 31 August 2019
  - g) You messaged Pupil A in relation to your personal romantic relationship/s and relationship breakdown, including in relation to:
    - i. Person A between 21 July 2018 and 14 August 2019.
    - ii. Person B between 29 July 2018 and 25 December 2018.
    - iii. Person C between 20 August 2018 and 03 October 2018.
    - iv. Person D between 06 September 2018 and 03 October 2018.
    - v. Person E between 01 September 2018 and 14 August 2019.
  - h) You repeatedly messaged Pupil A messages which were of an inappropriate and / or sexual nature between 21 July 2018 and 2 September 2019.
  - i) On 4 September 2018, you suggested to Pupil A that she should tell her mother a "story", which was made up, so you would be hired as Pupil A's maths tutor.
  - j) On 18 December 2018, you gave Pupil A a gift.
  - k) You repeatedly wrote an 'x' on the end of your messages, indicating a kiss.

The panel noted that within the response to the notice of referral dated 12 January 2022, and in the statement of agreed facts signed by Mr Crossley on 26 February 2022, Mr

Crossley admitted the facts of allegations 1(a) to 1(k). Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel noted screenshots of messages from Pupil E to Pupil A, whereby Pupil A confirmed that Mr Crossley messaged her, would ask to meet her, would complement her in “*weird ways*” and asked to see [REDACT].

The panel noted the investigation statement of Pupil A. Pupil A explained that she and Mr Crossley were “*close*” at school. Mr Crossley told Pupil A on prom night, that if she ever needed him she should contact him and he provided Pupil A with his phone number. Pupil A stated that Mr Crossley messaged her as she had given him a present at the end of the year. Pupil A was unsure how Mr Crossley got her phone number.

Pupil A explained that, when she was on holiday with her parents, Mr Crossley began messaging her every day. Mr Crossley asked if Pupil A wanted to meet up and later shared information regarding his personal relationships.

The panel noted the witness statement of [REDACT]. [REDACT]. was appointed as the investigating officer in relation to Mr Crossley’s conduct towards staff members in June 2019. [REDACT]. submitted that Pupil A disclosed to her that Mr Crossley had approached her and given his telephone number to her at the school summer prom when she was in [REDACT], in case she ever needed to contact him. [REDACT]. did not feel it was appropriate for Mr Crossley to give Pupil A his telephone number, as this goes against everything that teachers are taught in training regarding protecting themselves as professionals as well as protecting the young people. As Pupil A was leaving the school, [REDACT]. could not understand why a teacher would need to remain in contact.

[REDACT]. further submitted that Pupil A informed her that it was Mr Crossley who initiated the communication by texting Pupil A in relation to a present she gave to him at the end of the year. [REDACT]. submitted that Pupil A told her that she was not aware of how Mr Crossley had obtained her phone number. She said that Pupil A was clear that she had not given her number to Mr Crossley at any point and believed that he may have been able to access it from the School database.

Pupil A disclosed to [REDACT]. that following the encounter at the [REDACT]. school prom, Mr Crossley texted Pupil A while she was abroad on holiday with her parents. Individual A described the frequency of the messages between Mr Crossley and Pupil A as “*mind-blowing*”. The panel noted the transcript of the text/WhatsApp messages translated to 1,575 pages of written messaging and there was evidence of audio messages and photographs shared between Pupil A and Mr Crossley.

[REDACT]. submitted that in September 2019, [REDACT]. [REDACT]. The School became aware that [REDACT] at the Academy outside of school hours, when a member of staff stumbled across them. [REDACT]. recalled having a conversation with Mr



Crossley, informing him that it was not appropriate to be [REDACT]. on the school site after school hours.

The panel considered the transcript of the text/WhatsApp messages contained within the bundle and concluded the volume, content, and tone of the messages demonstrated that Mr Crossley had failed to maintain professional boundaries with Pupil A as set out in allegations 1(a) to 1(k).

The panel found allegations 1(a) to 1(k) proven.

## **2. Your communication with Pupil A, as set out in paragraph 1(d), (e), (h), (k) was sexually motivated.**

Having found allegations 1(d), 1(e), 1(h) and 1(k) proven, the panel went on to consider whether Mr Crossley's conduct was sexually motivated. The panel noted that within the response to the notice of referral dated 12 January 2022, and in the statement of agreed facts signed by Mr Crossley on 26 February 2022, Mr Crossley admitted that his communication with Pupil A, as set out at allegations 1(d), 1(e), 1(h) and 1(k), was sexually motivated. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel's attention was drawn to section 78 of the *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that "A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship". The panel further considered that in *Haris*, the High Court indicated that the criteria in *Basson* sets the bar too high.

On examination of the documents before the panel, and consideration of the wider documentary evidence, the panel noted that Mr Crossley made multiple references within his text/WhatsApp messages to Pupil A about her breasts, her body, her appearance, her possible sexual encounters and her sexual experience. The panel concluded, therefore, that Mr Crossley's conduct as set out in allegations (d), 1(e), 1(h) and 1(k) was sexually motivated.

The panel noted Mr Crossley had not provided an explanation for his behaviour and had not provided any character evidence for the Panel's consideration. The panel was of the view that there was no other reason for this conduct from a teacher towards a pupil.

The panel found allegation 2 proven.

**3. You failed to maintain professional boundaries with former Pupil B on or after September 2017 when you:**

- a) asked for, and exchanged, personal contact details with former Pupil B.**
- b) repeatedly messaged former Pupil B via text message,**
- c) on one or more occasions, you asked former Pupil B to meet you for a "coffee" or go for a meal;**
- d) messaged former Pupil B in relation to your personal romantic relationship break down;**
- e) said to former Pupil B that "hope your knickers didn't get wet" or words to that effect.**

The panel noted that within the response to the notice of referral dated 12 January 2022, and in the statement of agreed facts signed by Mr Crossley on 26 February 2022, Mr Crossley admitted the facts of allegations 3(a) to 3(e). Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel noted screenshots of messages from Pupil E to former Pupil B, whereby former Pupil B stated that Mr Crossley would message her things that "*were a little strange*". Former Pupil B stated that the messages were inappropriate and that she later blocked him.

The panel noted the investigation statement and witness statement of former Pupil B. Former Pupil B submitted that after she left school, she saw Mr Crossley in TK Maxx. Mr Crossley asked for former Pupil B's number and around a week later sent former Pupil B a message. Thereafter, Mr Crossley sent former Pupil B messages once a week. Former Pupil B explained that, at first, the messages were "*general chit chat*" but then he asked to meet for a coffee or go for a meal. Further, former Pupil B stated that Mr Crossley began messaging former Pupil B about his personal relationship.

Former Pupil B explained that, on one occasion, Mr Crossley was messaging and asking former Pupil B how her day was when she moaned about the fact it was pouring with rain and Mr Crossley replied saying "*hope your knickers didn't get wet*". Former Pupil B then blocked Mr Crossley so he was unable to message her any further.

The panel noted the witness statement of [REDACT]., who submitted that former Pupil B disclosed to her that Mr Crossley asked for her personal mobile number when they ran into each other in TK Maxx. [REDACT]. did not feel it was appropriate for Mr Crossley to give a former pupil his mobile number and, should a teacher want to stay in contact with a pupil, it would have been more appropriate to have provided them with a school email address.

[REDACT]. submitted that, during the interview with former Pupil B, they disclosed that Mr Crossley's communication with her was regular and consisted of "*general chit chat*". Former Pupil B further disclosed that her boyfriend had issues with Mr Crossley messaging her, as he did not feel it was right.

The panel found allegations 3(a), 3(b), 3(c) 3(d) and 3(e) proven.

#### **4. On 9 September 2019, you said to Pupil C “[Pupil C] don’t fucking swear” after Colleague E had told Pupil C not to swear.**

The panel noted that within the response to the notice of referral dated 12 January 2022, and in the statement of agreed facts signed by Mr Crossley on 26 February 2022, Mr Crossley admitted the facts of allegation 4. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel noted the disciplinary investigation report regarding the alleged incident on 9 September 2019, submitted as part of the bundle, which contained the staff statement of Colleague E and Mr Crossley. Colleague E explained that she was near the bottom of the staircase when one of her students made a statement with inappropriate language and so she asked him immediately to stop swearing. Colleague E stated that Mr Crossley was walking down the stairs and overheard what had been said and, in response, Mr Crossley stated “*Pupil C don’t fucking swear*”. In Mr Crossley’s statement, Mr Crossley stated “*yes I got that wrong*”. Mr Crossley further admitted that he undermined Colleague E.

The panel also noted the witness statement of Colleague E, which reaffirmed what she had previously told the School. Colleague E also explained that there were approximately 20 pupils present when the incident occurred.

The panel found allegation 4 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 Mr Crossley, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Crossley 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, 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 Mr Crossley fell significantly short of the standards expected of the profession, as he had repeatedly failed to observe and maintain appropriate boundaries with Pupil A, former Pupil B and Pupil C.

The panel also considered whether Mr Crossley's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of sexual communication with a child was relevant, due to the nature of the communications with Pupil A. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the majority of the allegations took place outside the education setting, in that Mr Crossley was communicating with pupils via text/whatsapp message and meeting them outside of school. However, the panel believed this touched upon Mr Crossley's profession as a teacher, as he knowingly engaged in inappropriate and sexual communication with a child, attempted to engage in such communication with more than one child, and had met or sought to meet those children outside of an education setting.

Accordingly, the panel was satisfied that Mr Crossley 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 Crossley's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2, 3 and 4 proved, the panel found that Mr Crossley'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/or 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 safeguarding and wellbeing of pupils and the protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct; and
- prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Crossley, which involved failing to maintain professional boundaries with Pupil A and former Pupil B, instigating communications with Pupil A which were sexually motivated, and inappropriate conduct towards Pupil C, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Crossley were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Crossley fell seriously short of these standards.

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

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 Crossley. 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;
- 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);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- 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;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violating of the rights of pupils;
- sustained or serious bullying, or other 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 Mr Crossley's actions were not deliberate.

There was no evidence to suggest that Mr Crossley was acting under extreme duress, and, in fact, the panel found Mr Crossley's actions to be calculated and motivated.

No evidence was submitted to attest to Mr Crossley's history or ability as a teacher. No evidence was submitted which demonstrated exceptionally high standards in both personal and professional conduct or which showed that Mr Crossley contributed significantly to the education sector.

The panel noted Mr Crossley's undated statement, which stated that [REDACT].

During the time in which the incident occurred, Mr Crossley submitted that he was [REDACT].

[REDACT].

Mr Crossley submitted that he was incredibly sorry and felt ashamed of his actions.

The panel noted that Mr Crossley's undated statement did not show any meaningful insight or reflection on his actions.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Crossley of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Crossley. The panel's findings against Mr Crossley, which involved failing to maintain professional boundaries with Pupil A and former Pupil B, instigating communications with Pupil A which were inappropriate and/or sexually motivated, and inappropriate conduct towards Pupil C, were 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include any sexual misconduct

involving a child. The panel found that Mr Crossley was responsible for sexually motivated communication with Pupil A.

The panel considered Mr Crossley's behaviour to be deliberate, calculated, repeated (his communication with Pupil A and former Pupil B taking place over several years), and therefore incompatible with being a teacher. The panel noted that, despite the passing of three years, Mr Crossley had not shown any insight into his behaviour or the impact it had on Pupil A and B, or his profession. The panel further noted Mr Crossley had not offered any explanation or reassurance that there would not be a repetition of his behaviour and considered him an ongoing risk to children.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Mr Crossley was not responsible for any such behaviour.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Crossley 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, 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 Mr Crossley, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mr Crossley fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include, failing to maintain professional boundaries with Pupils/former Pupils, instigating inappropriate and/or sexually communications with a Pupil.

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 Crossley, 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 Mr Crossley, which involved failing to maintain professional boundaries with Pupil A and former Pupil B, instigating communications with Pupil A which were sexually motivated, and inappropriate conduct towards Pupil C, 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, "Mr Crossley submitted that he was incredibly sorry and felt

ashamed of his actions.” And “The panel noted that Mr Crossley’s undated statement did not show any meaningful insight or reflection on his actions.” In my judgement, the lack 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, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Crossley were not treated with the utmost seriousness when regulating the conduct of the profession.” And “The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Crossley fell seriously short of these standards.” I am particularly mindful of the finding of inappropriate and sexually motivated conduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr Crossley and the panel comment “No evidence was submitted to attest to Mr Crossley’s history or ability as a teacher. No evidence was submitted which demonstrated exceptionally high standards in both personal and professional conduct or which showed that Mr Crossley contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments “The panel noted that the majority of the allegations took place outside the education setting, in that Mr Crossley was communicating with pupils via text/whatsApp message and meeting them outside of school. However, the panel believed this touched upon Mr Crossley’s profession as a teacher, as he knowingly engaged in inappropriate and sexual communication with a child, attempted to engage in such communication with more than one child, and had met or sought to meet those children outside of an education setting.”

I have also placed considerable weight on the finding “The panel also considered whether Mr Crossley’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of sexual communication with a child was relevant, due to the nature of the communications with Pupil A. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Crossley 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 full 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 panel considered Mr Crossley’s behaviour to be deliberate, calculated, repeated (his communication with Pupil A and former Pupil B taking place over several years), and therefore incompatible with being a teacher. The panel noted that, despite the passing of three years, Mr Crossley had not shown any insight into his behaviour or the impact it had on Pupil A and B, or his profession. The panel further noted Mr Crossley had not offered any explanation or reassurance that there would not be a repetition of his behaviour and considered him an ongoing risk to children.”

The published Advice is clear where there are behaviours found proven that include sexual misconduct involving a child, that could militate against a review period, which is relevant in this case.

Factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements include, the seriousness of the findings and the lack of insight.

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 Mr Gary Crossley is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** Furthermore, in view of the seriousness of the allegations

found proved against him, I have decided that Mr Crossley shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Gary Crossley has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath the first few letters.

**Decision maker: Sarah Buxcey**

**Date: 4 October 2022**

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