



Teaching
Regulation
Agency

Ms Suzanne Harrison: Professional conduct panel meeting outcome

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

January 2019

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

Teacher: Ms Suzanne Harrison¹

Teacher ref number: 9544443

Teacher date of birth: 9 November 1972

TRA reference: 17118

Date of determination: 4 January 2019

Former employer: Philip Morant school, Colchester

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 4 January 2019 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Ms Suzanne Harrison.

The panel members were Alison Robb-Webb (teacher panellist – in the chair), Mark Tweedle (former teacher panellist) and Anthony Greenwood (lay panellist).

The legal adviser to the panel was Graham Miles of Blake Morgan LLP solicitors.

In advance of the meeting, the TRA agreed to a request from Ms Harrison that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Ms Harrison provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Harrison or her representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

¹ [Redacted]

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 16 November 2018.

It was alleged that Ms Suzanne Harrison had been convicted, at any time, of the following relevant offences:

1. Sexual activity with a female 13-17 offender does not believe victim is over 18 abuse of position of trust on 01/12/2005 – 31/12/2005 Sexual Offences Act 2003 s.16(1) e (i) Hospital Order concurrent sex offenders notice 7 years
2. Sexual activity with a female child under 16 - offender 18 or over- no penetration on 01/12/2005 Sexual Offences Act 2003 s.9 (a) Hospital Order
3. Sexual activity with a female child under 16 - offender 18 or over- no penetration on 01/12/2005 Sexual Offences Act 2003 s.9 (a) Hospital Order concurrent
4. Sexual activity female child U16 - offender 18 or over penetrate anus/vagina/mouth by penis/body part on 01/03/2006 Sexual Offences Act 2003 s.9 (1)(a)

Ms Harrison admits the alleged facts, namely that she was convicted of the offences as amended in section E as part of the proceedings.

Ms Harrison also admits that the offences for which she was convicted were relevant offences.

C. Preliminary applications

[Redacted]

Application to amend allegations

The panel agreed to amend the allegations in line the wording in the agreed statement of fact.

D. Summary of evidence

Documents

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

Section 1: Chronology – pages 5 to 6

Section 2: Notice of Referral, Response and Notice of Meeting – pages 7 to 17

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 18 to 32

Section 4: Teaching Regulation Agency documents – pages 33 to 68

Section 5: Teacher documents – pages 64 to 210

In addition, the panel agreed to accept an email from Ms Harrison dated 20 December 2018.

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms Harrison on 5 November 2018.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the TRA agreed to a request from Ms Suzanne Harrison that the allegations be considered without a hearing. The panel has 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 is necessary or appropriate in this case.

Ms Suzanne Harrison was a teacher employed to teach geography at Philip Morant School, Colchester ("the School") between November 2004 and July 2006. The School is a mixed school for pupils aged 11 to 18. Pupil A was a pupil at the School. Ms Harrison taught Pupil A geography from November 2004.

Between February 2005 and about 2010, Ms Harrison became and remained a close friend of Pupil A's family. She would accompany them on [Redacted].

In January 2006, while Ms Harrison was minding Pupil A and Pupil A's sister at Ms Harrison's house in the absence of their parents, a sexual encounter took place between Pupil A and Ms Harrison. Pupil A was aged 15 at the time. A sexual relationship between Ms Harrison and Pupil A continued for approximately four years thereafter.

In October 2009, Ms Harrison introduced Pupil A to Ms Harrison's then partner, Person B, who then began a relationship with Pupil A. In time, Pupil A disclosed the fact of her past relationship with Ms Harrison to Person B. Person B and Pupil A's mother then reported that relationship to the police in the summer of 2011.

On 8 July 2011, Ms Harrison was arrested and was suspended from her then teaching post. Ms Harrison resigned from her teaching post on 20 July 2011 with immediate effect.

On 11 August 2011, Ms Harrison was convicted following her pleas of guilty at Ipswich Crown Court of the offences specified in the Notice of Meeting.

Findings of fact

The panel's findings of fact are as follows:

It was alleged that

You have been convicted, at any time, of the following relevant offences:

- 1. Sexual activity with a child under 16 - offender 18 or over- no penetration contrary to section 9(1) of the Sexual Offences Act 2003**
- 2. Sexual activity with a child under 16 - offender 18 or over- no penetration contrary to section 9(1) of the Sexual Offences Act 2003**
- 3. Sexual activity child under 16 - offender 18 or over penetration of anus/vagina/mouth by penis/body part contrary to section 9(1) of the Sexual Offences Act 2003**
- 4. Engaging in sexual activity while in a position of trust contrary to section 16(1) and (2) of the Sexual Offences Act 2003**

These convictions took place on 11 August 2011 at Ipswich Crown Court on a guilty plea.

Ms Harrison has admitted the alleged facts. The panel is satisfied that Ms Harrison was convicted of the offences concerned.

The panel finds allegations 1 to 4 proved.

Findings as to conviction of a relevant offence

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to convictions of relevant offences.

Ms Harrison admits that her convictions were for relevant offences. The panel has taken this admission into account, but has made its own determination.

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

Ms Harrison has admitted that the offences for which she was convicted were relevant offences. The panel has taken these admissions into account, but has made its own determination.

The panel is satisfied that the conduct of Ms Harrison in relation to the facts it has found proved, involved breaches of the Teachers’ Standards. We consider that by reference to Part Two, Ms Harrison 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;
 - not undermining ... the rule of law;
- 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 noted that Ms Harrison's actions were relevant to teaching given that Pupil A was her pupil.

The panel noted that the behaviour involved in committing the offence involved the most severe breach of boundaries, not only as a teacher, but also as a friend of Pupil A's family. Whilst there is no evidence of an effect on the wellbeing of the pupil, Pupil A was brought into a sexual relationship at an age where by law and for her own protection that relationship was criminalised. The panel took note of the fact that public policy presumes harm or risk of harm from such relationships.

The teacher's relationship with the family began as a result of her status as a teacher. Ms Harrison's actions involved a double abuse of trust; firstly the pupil/teacher relationship and secondly the family friend relationship.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Harrison's behaviour in committing the offences is likely to

affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The offences involved sexual activity, which the Advice states is likely to be considered a relevant offence.

The panel has found the seriousness of the offending behaviour that led to the convictions is relevant to the teacher's ongoing suitability to teach. The panel considers that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of relevant offences, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has 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 is a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate sexual relationship with a pupil. The panel notes that Ms Harrison has demonstrated remorse for her actions and significant insight into the impact they may have had on the pupil. [Redacted]. However, given the serious and sustained nature of the offences, the panel is of the view that public interest considerations regarding the protection of pupils remain relevant.

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

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Harrison was totally unacceptable.

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 Ms Harrison.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Harrison. 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 proven. 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, eg 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

[Redacted].

In the view of the panel, Ms Harrison's actions were deliberate and there was no evidence to suggest that she was acting under duress. The panel has seen substantial evidence of insight and also notes the many positive comments made by medical professionals with regard to her voluntary work.

The teacher did have a previously good history and the panel also notes the many positive references from colleagues parents and pupils who speak warmly of her dedication and skill as a 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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would

unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Harrison. The serious and sustained nature of the offences were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

[Redacted]

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 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 two years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, eg 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 their professional position to influence or exploit a person.

The panel took into account the mitigating factors outlined above and concluded that this was a situation in which a review period would not be appropriate. As such, the panel 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 sanction and no 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 a relevant conviction.

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

In particular, the panel has found that Ms Harrison 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;
- not undermining ... the rule of law;
- 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 finds that the conduct of Ms Harrison fell significantly short of the standards expected of the profession.

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, 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 prohibition of Ms Harrison, 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, "strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate sexual relationship with a pupil." 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 notes that Ms Harrison has demonstrated remorse for her actions and significant insight into the impact they may have had on the pupil." The panel has also commented that it had seen, "substantial evidence of insight and and also notes the many positive comments made by medical professionals with regard to her voluntary work." I have therefore given this element 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 say it, “considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Harrison were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction 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 Harrison. The panel observe, “The teacher did have a previously good history and the panel also notes the many positive references from colleagues parents and pupils who speak warmly of her dedication and skill as a teacher.”

A prohibition order would prevent Ms Harrison from teaching. A prohibition order 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 serious nature of the misconduct. The panel say, “The panel has decided that the public interest considerations outweigh the interests of Ms Harrison. The serious and sustained nature of the offences were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Harrison 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, 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 proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct, eg 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 their professional position to influence or exploit a person."

The panel also say, "it took into account the mitigating factors outlined above and concluded that this was a situation in which a review period would not be appropriate. As such, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period."

I have considered whether no provision for a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I agree with the panel that it does in light of the serious nature of the misconduct found.

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 Suzanne Harrison 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 Harrison 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 Harrison 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 'Dawn Dandy', with a stylized, flowing script.

Decision maker: Dawn Dandy

Date: 9 January 2019

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