



Teaching
Regulation
Agency

Mr Michael Hague: Professional conduct panel outcome

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

November 2018

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

Teacher: Mr Michael Hague

Teacher ref number: 3384961

Teacher date of birth: 20 February 1963

TRA reference: 016534

Date of determination: 28 November 2018

Former employer: Hill House School, Doncaster

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 November 2018 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Michael Hague.

The panel members were Ms Ann Walker (former teacher panellist), Mr Ryan Wilson (teacher panellist) and Mr William Brown (lay panellist – in the chair).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the TRA was Ms. Lisa Wright of Browne Jacobson LLP.

Mr Michael Hague was not present and was not represented at the hearing.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 1 October 2018.

It was alleged that Mr Michael Hague was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Hill House School, he:

1. Displayed inappropriate behaviour towards Pupil A, in that he, on one or more occasions:
 - a. cuddled/hugged Pupil A;
 - b. kissed Pupil A on the forehead;
 - c. made comments of a sexual nature to Pupil A;
 - d. made inappropriate physical contact with Pupil A, including by touching and/or slapping her on the bottom;
 - e. contacted Pupil A via your personal phone.
2. His conduct as may be found proven at 1 above was conduct of a sexual nature and/or was sexually motivated.

In Mr Hague's response dated 25 October 2018 to the Notice of Proceedings and in the Statement of Agreed Facts, he admitted allegations 1a, 1b and 1e and denied 1c, 1d and 2. He further denied that those allegations that he admitted amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application by the presenting officer for the hearing to proceed in the absence of Mr Hague.

The Notice of Proceedings had been sent to Mr Hague by letter of 1 October 2018 and it was sent to the address known to the TRA and included the information required to be included in accordance with Rule 4.12 of the *Teacher Misconduct: Disciplinary Procedures for the Teaching Profession* ("the Disciplinary Procedures"). The panel was therefore satisfied that proceedings had been served on Mr Hague in accordance with Rules 4.11 and 4.12 of the Disciplinary Procedures.

The panel then considered whether it was appropriate to proceed in the absence of Mr Hague. Having been sent the Notice of Proceedings, Mr Hague is aware of the proceedings and the nature of the allegations being made against him and had provided a signed

witness statement setting out his case. He had also provided a Response to the Notice of Proceedings stating he would not be in attendance.

On 30 October 2018, Neil Pratt of Henshaw-Pratt Solicitors, solicitors for Mr Hague, sent an email to the (then) Presenting Officer stating "*My client does not wish to adjourn. He is content for it to proceed in his absence...*"

Whilst this email did not state the date of the hearing, it was an email sent in response to an email query from the Presenting Officer, which did clearly state the date of the hearing.

The panel had considered carefully each of the criteria set out in *R v Jones* and *Tait v Royal College of Veterinary Surgeons*. Mr Hague is aware of the nature of the allegations against him, and he had not requested an adjournment despite being aware of today's hearing.

In the circumstances, the panel was satisfied that Mr Hague had voluntarily absented himself and had waived his right to attend. The panel concluded that an adjournment would serve no purpose particularly because Mr Hague had not, at any stage, indicated that he wished to attend.

The panel also bore in mind that Pupil A was attending to give evidence and there was an interest in proceeding as quickly as possible as her evidence was predominantly based on memory. The panel also had consideration to Mr Hague's health and determined that the hearing proceeding today would also be in his interests.

The panel will take into consideration the fact that some of the allegations are denied when considering the evidence presented by the TRA and notes within the papers before it is confirmation as to Mr Hague's position on each allegation, including his defence for those disputed matters. The panel therefore allowed the TRA's application.

The panel considered an application from the presenting officer for additional documents to be included within the bundle of evidence. These documents were provided to assist the panel in its understanding of material already within the bundle and included material to the benefit of Mr Hague. The panel determined these documents were relevant to the case and it was fair for these to be admitted into evidence with the following pagination:

- Signed Statement of Agreed Facts – pages 329 to 332;
- Staff Signing in Sheet for Child Protection Training on 2 September 2013 – page 333;
- Correspondence from Browne Jacobson LLP to Mr Hague dated 7 September 2017 – pages 334 to 335;
- Email from Sarah Taylor of Henshaw-Pratt to Browne Jacobson with attachments – pages 336 to 338; and

- Email from Neil Pratt to the (then) Presenting Officer dated 30 October 2018 – page 339.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 63

Section 4: Teaching Regulation Agency documents – pages 65 to 319

Section 5: Teacher documents – pages 321 to 328.

In addition, the panel agreed to accept the following:

- Signed Statement of Agreed Facts – pages 329 to 332;
- Staff Signing in Sheet for Child Protection Training on 2 September 2013 – page 333;
- Correspondence from Browne Jacobson LLP to Mr Hague dated 7 September 2017 – pages 334 to 335;
- Email from Sarah Taylor of Henshaw-Pratt to Browne Jacobson with attachments – pages 336 to 338; and
- Email from Neil Pratt to the (then) Presenting Officer dated 30 October 2018 – page 339.

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

Witnesses

The panel heard oral evidence from:

- Pupil A; and
- Witness A, [Redacted].

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Hague had been employed at Hill House Junior and Senior School ('the School') since 1988 as an unqualified PE Teacher and Tennis Coach. In June 2016, Pupil A reported to two teachers that she had concerns regarding the manner in which Mr Hague was behaving towards her including verbal comments he made, the contents of text messages he sent and there had been physical contact between the two. As a result of the concerns raised, a referral was made to LADO and the police and Mr Hague was suspended by the School. Whilst the police investigated this matter, Mr Hague was not charged with any offence.

Mr Hague subsequently resigned from his position at the School on 20 December 2016.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

Whilst employed as a teacher at Hill House School, you:

1. Displayed inappropriate behaviour towards Pupil A, in that you, on one or more occasions:

a. cuddled/hugged Pupil A

The panel noted the Statement of Agreed Facts in which Mr Hague unequivocally admitted this allegation.

The panel also heard live evidence on this matter from Pupil A who explained that Mr Hague would often hug her with one of his arms across her shoulders. This was not uncommon with the manner in which he also acted with other pupils and it was accepted by her as 'just being as he was'.

On occasion, Mr Hague would draw Pupil A into his body, so that the front of her body was in contact with his side, and have his arm wrapped around the middle of her back and, on one occasion, towards her lower back.

The panel also heard evidence from Witness A, who confirmed that the School had, effectively, a no contact policy between staff and pupils. Witness A accepted that there was maybe the odd occasion, such as exam results or a missed penalty in a sports match, which may lead to an impromptu hug but nothing more than that.

The panel also noted Mr Hague's witness statement in which he confirmed he had hugged pupils, including Pupil A, when they "*were upset or feeling down*" or needed reassurance.

In the light of the evidence heard, Mr Hague's statement and the Statement of Agreed Facts, the panel finds this allegation proved.

b. kissed Pupil A on the forehead

The panel noted the Statement of Agreed Facts in which Mr Hague unequivocally admitted this allegation.

The panel heard evidence on this allegation from Pupil A who explained that Mr Hague would, on occasion, kiss the front of her head, which he referred to as a 'Dad kiss' often after a hug. Whilst the hugs did not make her feel uncomfortable, the kisses would. Pupil A confirmed that the kiss would be for a split-second, on top of her hair, and she took it as being a caring gesture and nothing more than that.

Mr Hague explained in his witness statement that he had 'on occasion kissed the top of [Pupil A's] head'.

In light of the evidence heard, Mr Hague's statement and the Statement of Agreed Facts, the panel finds this allegation proved.

d. made inappropriate physical contact with Pupil A, including by touching and/or slapping her on the bottom

The panel heard live evidence on this matter from Pupil A, who explained that Mr Hague had touched her bottom on three occasions.

The first occasion took place when Pupil A saw Mr Hague in a science class with pupils. She commenced a conversation with Mr Hague, when the pupils had left the classroom, which culminated in a hug between the two. When Mr Hague released her from the hug, one of his hands brushed her bottom. Pupil A accepted that this may have been inadvertent.

Whilst Pupil A was unclear as to the sequence of the second and third occasions, and when the events occurred, she confirmed that one incident took place when she was walking side by side with Mr Hague next to the tennis courts and he tapped her on her bottom at the end of a joke. The other occasion took place in a classroom when she was helping Mr Hague with something on his laptop and he had again tapped her on her bottom.

Pupil A was adamant that the second and third occasions (in whichever order they had occurred) were intentional by Mr Hague. The two of them were not in a confined space, which could have caused some accidental contact so the only possible explanation was that Mr Hague had meant to touch her bottom,

The panel also heard live evidence from Witness A on this matter, who said that Mr Hague was known to be 'touchy-feely' with pupils. He was approached by Pupil A in June 2016, who reported her concerns to him in his position as Safeguarding Lead at the School and he, in turn, made a report to Doncaster Children's Services Trust on the same day. This report, at page 36, included reference to the three incidents of Pupil A's bottom being touched by Mr Hague.

In his witness statement, Mr Hague categorically denied touching Pupil A on her bottom and that he could not recall ever being alone with her in a science classroom. He also raised inconsistencies in her accounts regarding the manner of the purported touching and the lack of detail, including dates, when the incidents took place.

In the panel's view, Pupil A gave a clear and credible account of the three incidents. She was willing to accept when the touching that took place may have been inadvertent and that she could not recall all of the surrounding circumstances as to how the touching on her bottom took place. She was, however, certain that there had been a 'tap' on her bottom on the second and third occasion.

In this situation, the panel had to determine whether it accepted, on balance, Pupil A's account of the three occasions of alleged touching. The panel was impressed that Pupil A offered herself to give live evidence and therefore allowed her account to be open to scrutiny. Despite this scrutiny, whilst Pupil A could not recall all facts, she was certain as to the main fact, i.e. that Mr Hague had touched her on the bottom. Because of this, and the manner in which she did give evidence, the panel did, on balance, find her account to be more persuasive than Mr Hague's written account and therefore find this allegation proved.

e. contacted Pupil A via your personal phone.

The panel noted the Statement of Agreed Facts in which Mr Hague unequivocally admitted this allegation.

Pupil A gave live evidence on this matter and explained that she had bumped into Mr Hague on a night out and he had given her his personal phone number. After this, the two had exchanged a number of text messages, which were sent by both throughout the day and night.

Pupil A was not concerned about the text message exchange but did feel uncomfortable when Mr Hague called her on one occasion whilst she was babysitting.

The panel also had the benefit of a number of screenshots of the text message conversations, including some that were time-stamped at 0029 and a large number, from both, being signed off with 'xx', which the panel took to be kisses.

Mr Hague accepted that he had exchanged text messages with Pupil A but stated he had never pressurised her to send texts. His main purpose in contacting Pupil A was to check on her welfare as he understood she had some personal difficulties. He also accepted that he had a work phone from the School, in order to conduct School administration, but only used this during weekday School hours and never at weekends. He stated that Pupil A had wanted his personal phone number to contact him outside of these times.

For all of the reasons given, and the Statement of Agreed Facts, the panel finds this allegation proved.

The panel finds the following allegations against you not proved.

c. made comments of a sexual nature to Pupil A

The panel heard live evidence on this matter from Pupil A, who explained that there were three occasions when Mr Hague had made comments she perceived to be of a sexual nature. The first occasion was when she had randomly seen Mr Hague in the School corridor and asked him what he was doing, to which he replied 'you in a minute hopefully'.

Pupil A also explained that on an occasion when she had given Mr Hague a lift in her car, he had said to her that he was planning on kissing her to see if she 'pied him', which she explained to the panel meant to reject any attempted kiss. On the final occasion, Mr Hague had offered to take her to tea if she was able to hit a ball into a bucket during a tennis lesson.

Pupil A was directed to the transcript of her interview with police and questioned whether Mr Hague had also stated he was planning to push her onto a sofa and 'have cuddles'. Pupil A denied any recollection of Mr Hague saying this or saying it during her police interview. Pupil A could not explain why it was contained within the transcript. She was, however, adamant that the other comments had been made by Mr Hague.

In his witness statement, Mr Hague denied that he had made either of the first two comments to Pupil A although did accept that Pupil A had given him a lift in her car to the tennis club. In respect of the final comment, he stated that he would encourage pupils with pretend bribes (such as offers of 'chocolate' or a 'tenner') to encourage them to try harder, but this was just a way of implementing focus.

In the panel's view, Pupil A gave evidence in a clear and compelling manner and was clearly trying to assist the panel. She was willing to accept when she could not recall facts or incidents clearly, even when it was to Mr Hague's benefit and gave evidence to what she thought to be the truth.

However, the panel also determined that comments can be misheard and determined that Pupil A being unable to recall an important allegation from her police interview was a substantial inconsistency.

The panel did not determine that a teacher asking a pupil to go out for tea, whilst probably inappropriate, was a comment of a sexual nature.

In respect of the other two comments, whilst the panel found Pupil A to be a credible witness, there were some inconsistencies in her accounts regarding time-frames and there was a possibility of comments being misheard. As a result, on the basis of Pupil A's evidence alone, the panel did not determine that the Agency had discharged its evidential burden and does not find the allegation proved.

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

The panel considered this allegation only in respect of those allegations found proved in allegation 1.

Whilst this allegation related to Mr Hague's conduct and his motivation, the panel did note that Pupil A did not feel that his conduct was, at the time, anything to be particularly concerned about and it was generally no different to how he was with any other pupil.

The panel noted that Mr Hague had specifically denied any of his conduct was sexually motivated but rather it was carried out for the benefit of her welfare and was a sign of affection rather than anything nefarious. There was no evidence before the panel that Mr Hague derived any sort of sexual gratification from his actions.

In the panel's view, there is nothing of an inherently sexual nature for those allegations found proven in 1. In respect of sexual motivation for allegations 1a, 1b and 1e, whilst there is no doubt that Mr Hague's actions found proven are inappropriate, the panel cannot discount that these took place because of some misplaced display of concern for Pupil A's welfare.

In respect of allegation 1d, the touching was clearly inappropriate. However, the touching was fleeting and minimal and as such the panel was not sufficiently certain that it was sexually motivated.

On this basis, the panel does not find this allegation proved.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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”.

The panel is satisfied that the conduct of Mr Hague in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Hague is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Teachers, or teaching staff, must have clear boundaries with pupils. In this matter, even if he perceived it to be for good reason, Mr Hague blatantly and repeatedly breached those boundaries with a pupil who was considered vulnerable. The panel is therefore satisfied, for all of the allegations found proven at 1, both individually and collectively, that the conduct of Mr Hague amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Hague’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none is relevant.

The panel has also taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

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

The panel further find that Mr Hague’s conduct amounts 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 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 and the protection of other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Hague, which involved him crossing professional boundaries in his behaviour with Pupil A, there is a strong public interest consideration in respect of the protection of pupils.

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

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

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 Mr Hague, who had indicated that he would not be returning to teaching. 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
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

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.

In light of the findings, whilst the panel determined that Mr Hague's actions had been deliberate (and not because of any duress), his behaviour also appeared borne out of some concern for Pupil A. The clear impression that the panel had was that Mr Hague's actions were old-fashioned and not in keeping with the necessary Safeguarding requirements of today's society. Any lack of awareness as to possible repercussions of his behaviour was reflective of this mind-set rather than any malice or deliberate attempt to be inappropriate with a pupil.

Mr Hague had been employed at the School for a considerable period of time (approximately 28 years) and, prior to this matter, had not had any disciplinary findings registered against him, which the panel noted in his favour.

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. Whilst the panel's view was that the inappropriate behaviour was towards the lower end of the seriousness spectrum and appeared to be caused by the blurring of professional boundaries in an attempt to be caring, inappropriate behaviour to a pupil is nevertheless inherently serious.

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 Mr Hague. Ensuring that future pupils' safety is ensured was a significant factor 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.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel was mindful

that the Advice advises 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. The panel has not found any of these behaviours to be present.

Whilst Mr Hague was not present, the panel did determine from his witness statement that he had begun to show some insight as to why his behaviour is no longer seen as appropriate and an appreciation that his conduct would have to change going forward. The panel took his admissions to some of the allegations before it as a further indication of his appreciation that he had been inappropriate and the panel noted that Mr Hague had also accepted this when questioned by police, with whom he co-operated fully.

Although no remorse had been explicitly demonstrated by Mr Hague, the panel considered this consistent with actions not being borne out of malice (albeit still crossing professional boundaries) and a lack of awareness as to how his actions may impact on pupils.

The panel felt Mr Hague's conduct was certainly remediable and the findings indicated a situation in which a review period **would** be appropriate. As such, it decided that it would be proportionate in all the circumstances for the prohibition order to be recommended **with** provisions for a review period after two years.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Hague is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Hague for all of the allegations found proven at 1, both individually and collectively, fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Hague and the impact that will have on him, 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 behaviour, “which involved him crossing professional boundaries in his behaviour with Pupil A” and went on to say, “there is a strong public interest consideration in respect of the protection of pupils”. A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “the panel did determine from his witness statement that he had begun to show some insight as to why his behaviour is no longer seen as appropriate and an appreciation that his conduct would have to change going forward.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts the protection of pupils at risk. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hague was not treated with the utmost seriousness when regulating the conduct of the profession”.

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

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

I have also considered the impact of a prohibition order on Mr Hague himself. The panel comment, “Mr Hague had been employed at the School for a considerable period of time (approximately 28 years) and, prior to this matter, had not had any disciplinary findings registered against him, which the panel noted in his favour.”

A prohibition order would prevent Mr Hague 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.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hague 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 that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel’s comments ““In light of the findings, whilst the panel determined that Mr Hague's actions had been deliberate (and not because of any duress), his behaviour also appeared borne out of some concern for Pupil A. The clear impression that the panel had was that Mr Hague's actions were old-fashioned and not in keeping with the necessary Safeguarding requirements of today's society. Any lack of awareness as to possible repercussions of his behaviour was reflective of this mind-set rather than any malice or deliberate attempt to be inappropriate with a pupil.”

The panel has also said, "The panel took his admissions to some of the allegations before it as a further indication of his appreciation that he had been inappropriate and the panel noted that Mr Hague had also accepted this when questioned by police, with whom he co-operated fully.

Although no remorse had been explicitly demonstrated by Mr Hague, the panel considered this consistent with actions not being borne out of malice (albeit still crossing professional boundaries) and a lack of awareness as to how his actions may impact on pupils."

Furthermore the panel's view was that, "Mr Hague's conduct was certainly remediable" and considered a 2 year review period was proportionate.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In light of the circumstances in this case I agree with the panel that a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

This means that Mr Michael Hague is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 12 December 2020, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Hague remains prohibited from teaching indefinitely.

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

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



Decision maker: Dawn Dandy

Date: 5 December 2018

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