



Teaching
Regulation
Agency

Mr Benjamin Hacker: Professional conduct panel meeting outcome

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

February 2023

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

Teacher:	Mr Benjamin Hacker
Teacher ref number:	3962858
Teacher date of birth:	25 January 1997
TRA reference:	20377
Date of determination:	7 February 2023
Former employer:	The Abbey School, Surrey

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 7 February 2023 by way of a virtual meeting, to consider the case of Mr Benjamin Hacker.

The panel members were Mr Stephen Chappell (lay panellist – in the chair), Ms Susan Humble (lay panellist) and Ms Jane Gotschel (teacher panellist).

The legal adviser to the panel was Ms Abigail Hubert 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 Hacker that the allegations be considered without a hearing. Mr Hacker provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Louise Ravenscroft of Capsticks Solicitors LLP, Mr Hacker or any representative for Mr Hacker.

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 23 January 2023.

It was alleged that Mr Hacker was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as a teacher by The Abbey School ('the School'):

1. While employed at Kings Foundation he exchanged telephone numbers and or social media details with Person A (who at the time [redacted] and/or under his supervision);
2. He exchanged messages via mobile phone and/or social media with Person A in which he:
 - a) commented upon Person A's appearance;
 - b) suggested that he wanted to engage in sexual activity with Person A;
 - c) arranged to meet Person A outside of working at Kings Foundation and/or drive [redacted] to or from work at Kings Foundation; and
 - d) sent a photo of a nude male to Person A;
3. On or around 26 June 2021, while employed as a lead coach at Kings Foundation, he:
 - a) kissed Person A;
 - b) placed his hand down Person A's shorts; and
 - c) digitally penetrated Person A;
4. He engaged in any or all of the conduct at paragraph 3 above when Person A did not consent to any or all of the conduct alleged; and
5. His conduct as set out in paragraph 1 and/or 2 and/or 3 was sexually motivated.

Mr Hacker admitted the facts of allegations 1 to 5 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the statement of agreed facts signed by Mr Hacker on 5 December 2022.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 7
- Section 2: Notice of referral, response and notice of meeting – pages 8 to 30
- Section 3: Statement of agreed facts and presenting officer representations – pages 31 to 40
- Section 4: Teaching Regulation Agency documents – pages 41 to 319

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 Hacker on 5 December 2022, and subsequently signed by the presenting officer on 21 December 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 Hacker 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 Hacker commenced employment at the School as a form tutor, class teacher and PE coordinator on 1 September 2019.

Mr Hacker had also worked for the Kings Foundation as a Multi Sports Coach and Assistant Football Coach since July 2018. Kings Foundation is a not-for-profit children's charity, which provides holiday camps for pupils during the summer holidays. In May

2019, the Kings Foundation interviewed Mr Hacker for consideration of a 'step-up' position within the foundation.

In Easter 2021, following the cancellation of the programme as a result of COVID-19, Mr Hacker was invited to apply for an advancement of promotion to Lead Coach at the Gosport and Fareham Multi Academy Trust, held at Brune Park Community School. The Kings Foundation weekend programme at Brune Park Community School aimed to raise activity engagement levels for up to 30 young people, aged between 11 and 14 years old. Mr Hacker, along with other staff, were responsible for mentoring sixth form students undertaking the 'Rookie Sports Leadership award'.

Person A was [redacted] attending the 'Rookie Sports Leadership award' and therefore under the supervision of Mr Hacker.

The School were informed by the LADO on 19 July 2021, of an allegation that Mr Hacker had engaged in sexual activity [redacted] (Person A). The sexual activity had occurred whilst Mr Hacker was working at the Kings Foundation.

On 20 July 2021, Mr Hacker was formally suspended from the School. A LADO strategy meeting took place on 22 July 2021, and a second meeting took place on 13 August 2021.

A letter was sent to Mr Hacker on 18 August 2021 confirming that his suspension was to remain in place.

Mr Hacker was interviewed by the police on 6 September 2021. On the same day, a third LADO strategy meeting took place.

On 10 September 2021, the LADO confirmed that no further action would be taken by the police.

The School commenced their investigation on 10 September 2021. A letter was sent to Mr Hacker confirming his continued suspension. Mr Hacker was invited to an investigation meeting on 20 September 2021 and the meeting took place on 29 September 2021.

A disciplinary investigation interview took place on 13 October 2021, and a letter was sent to Mr Hacker the following day inviting him to a disciplinary hearing. The hearing took place on 18 October 2021 and Mr Hacker was dismissed the following day, 19 October 2021.

A referral was made to the DBS and the TRA on 5 November 2021.

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:

The panel noted that within the statement of agreed facts signed by Mr Hacker on 5 December 2022, Mr Hacker admitted to the facts of allegations 1, 2(a), 2(b), 2(c), 2(d), 3(a), 3(b), 3(c), 4 and 5. Further, Mr Hacker admitted that those admitted facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Notwithstanding the statement of agreed facts, the panel considered the evidence provided in the bundle and made a determination on the evidence available to it.

1. While employed at Kings Foundation you exchanged telephone numbers and or social media details with Person A ([redacted] and/or under your supervision);

The panel considered the evidence in the bundle and noted the School's investigation and the record of the police interview with Mr Hacker.

Mr Hacker admitted that he invited Person A to provide him with [redacted] personal Snapchat details on his personal mobile phone. Mr Hacker also accepted that he obtained/requested the telephone number of Person A. Mr Hacker was aware that Person A [redacted] and was a young person in attendance at the camp, under his supervision.

Mr Hacker also accepted that the Kings Foundation guidance on 'how to protect yourself from allegations' prohibits members of staff from becoming 'friends' with any young person attending the camp, on any form of social media. The guidance further prohibits members of staff from communication with any young people attending the camp over personal mobile phones. Mr Hacker therefore accepted that he had breached this guidance in pursuit of a personal relationship with Person A.

Mr Hacker admitted that he obtained the social media details and telephone number of Person A as he was attracted to [redacted] and wished to pursue a personal and sexual relationship with Person A.

The panel also noted the statements from Person A and Person B, Person A's friend, within the bundle which also stated that Mr Hacker had requested Person A's personal snapchat details.

The panel found allegation 1 proven.

2. You exchanged messages via mobile phone and/or social media with Person A in which you:

a) commented upon Person A's appearance;

- b) suggested that you wanted to engage in sexual activity with Person A;**
- c) arranged to meet Person A outside of working at Kings Foundation and/or drive [redacted] to or from work at Kings Foundation;**
- d) sent a photo of a nude male to Person A.**

Mr Hacker admitted that he communicated with Person A using his personal mobile phone, which was prohibited by the Kings Foundation.

Mr Hacker was aware of the Kings Foundation guidance in respect of social media and personal telephone contact with attendees of the programme. Mr Hacker accepted that he should not have obtained the social media details of Person A, and that he was prohibited from communicating with Person A in a personal manner.

Mr Hacker further admitted that the nature of the communication with Person A was of a personal and, at times, flirtatious nature. Mr Hacker accepted that during this communication with Person A, he had made comments to Person A in respect of [redacted] physical appearance. Mr Hacker admitted that during one particular message, he informed Person A that he wished to engage in sexual activity [redacted].

The panel noted that although Mr Hacker did not drive Person A to the Kings Foundation, he had, when asking for Person A's snapchat details, offered to give Person A lifts in his personal vehicle to and/or from the Kings Foundation activity programme being held at Brune Park Community School. Further, the panel noted that Mr Hacker had given Person D, a student from a previous camp, a lift in his car. There was also evidence to suggest that Mr Hacker and Person A had met before the start of the day's programme.

Mr Hacker further accepted that he sent a picture of a nude male to Person A.

The panel found allegation 2(a), 2(b), 2(c) and 2(d) proven.

3. On or around 26 June 2021, while employed as a lead coach at Kings Foundation, you:

- a) kissed Person A;**
- b) placed your hand down Person A's shorts;**
- c) digitally penetrated Person A.**

The panel considered the evidence in the bundle, in particular that Mr Hacker admitted that on 26 June 2021, he kissed Person A on the lips and placed his hands down [redacted] shorts, where he proceeded to digitally penetrate [redacted]. Mr Hacker accepted that he proceeded to kiss Person A a second time.

Mr Hacker accepted that he was in a position of responsibility over Person A. Mr Hacker also accepted that he was not permitted to be alone with Person A, in accordance with the Kings Foundation Staff Charter.

The panel noted Person B's statement which reported that [redacted] had been told by Person A that Mr Hacker had kissed [redacted] and placed his hand down Person A's shorts. Further, the panel also noted Person A's statement which stated that Mr Hacker kissed [redacted].

The panel found allegation 3(a), 3(b) and 3(c) proven.

4. You engaged in any or all of the conduct at paragraph 3 above when Person A did not consent to any or all of the conduct alleged;

Mr Hacker admitted that he did not ask Person A for [redacted] permission to kiss [redacted] before doing so. Mr Hacker further admitted that he did not ask Person A for [redacted] permission to place his hands down [redacted] shorts, or prior to digitally penetrating Person A.

Mr Hacker accepted that he was in a position of authority in respect of Person A and was aware that Person A [redacted]. Mr Hacker accepted that he should not have engaged in a personal and sexual relationship with Person A as [redacted] was a child.

The panel noted that there is a difference between consent and going along with something due to an individual's inexperience. The panel also considered the evidence in the bundle and noted that there was no evidence to confirm that Person A had consented to the conduct at paragraph 3 above. It appears in fact that [redacted] was troubled by what had happened and liaised both with [redacted] parents and [redacted] friend for advice.

The panel considered on the balance of probabilities that Person A did not consent to any or all of the conduct alleged at paragraph 3.

Therefore, the panel found allegation 4 proven.

5. You conduct as set out in paragraph 1 and/or 2 and/or 3 was sexually motivated.

Mr Hacker accepted that the actions of kissing Person A and placing his hands in [redacted] shorts to digitally penetrate Person A's [redacted] were sexually motivated.

The panel noted that Mr Hacker admitted that he was physically and sexually attracted to Person A. Mr Hacker also admitted that he obtained Person A's social media details and telephone number as he wished to pursue a personal relationship with Person A in the hope that it would lead to a personal and sexual relationship. Mr Hacker accepted that he

received sexual gratification from his communication and physical interactions with Person A. Accordingly, Mr Hacker admitted that his conduct was sexually motivated.

The panel found allegation 5 proven.

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

Having found 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 Hacker, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hacker 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 also considered whether Mr Hacker'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 activity and sexual communication with a child were relevant. 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 although the incidents occurred outside of the School, outside of normal school hours, and involved Person A, who was not a pupil at the School, Mr Hacker was working as a Lead Coach at the Gosport and Fareham Multi Academy Trust, held at Brune Park Community School, and had responsibility for mentoring sixth form students. The panel believed that was intrinsically linked to his profession as a teacher, given the nature of the role he was undertaking at the time, and the fact that Person A was still a student and would have been of a similar age to pupils Mr Hacker was teaching or may teach in the future.

The panel considered that the School had policies and procedures in place which had been breached irrespective of the fact that the incidents took place outside of the School. Further, the School had provided Mr Hacker with safeguarding training within the last year, which Mr Hacker had accepted had taken place. The panel therefore considered that Mr Hacker should have been aware of what was expected of him, not only in his role as a teacher but also as a Lead Coach at Kings Foundation.

The panel also noted the pattern of Mr Hacker's behaviour could be considered as teenager focused. Mr Hacker had asked for Person A's personal snapchat details, a social media platform largely used by teenagers. Further, he had offered lifts to Person A as [redacted] would not have been able to drive [redacted] at that time.

The panel was satisfied that the conduct of Mr Hacker fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Hacker 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 of the profession. The panel noted that Mr Hacker accepts this.

The panel noted that Person A had rightly discussed the incidents with [redacted] family and had, following this discussion, realised that the situation was wrong. The panel considered that this conclusion may have come about because of [redacted] family's views on the incidents. The panel noted the risk of damaging not only Person A's family's perception of the teaching profession, but also the public's perception and the trust that the public place in teachers.

The panel again noted that although the incidents took place outside the School setting, Mr Hacker's role of a Lead Coach was analogous to that of a teacher. Mr Hacker had mentoring responsibilities and parents entrusted him, and others, to look after their children whilst at the camps. The panel considered there may even be a greater onus on an individual involved in the camps to maintain professional boundaries and high professional standards as they are not operating in the same framework and environment as would exist within a school.

The panel therefore found that Mr Hacker's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2(a), 2(b), 2(c), 2(d), 3(a), 3(c), 3(c), 4 and 5 proved, the panel further found that Mr Hacker'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/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. The panel were aware that 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; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Hacker, which involved engaging in sexual activity with Person A, who [redacted] and under his supervision, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a child.

The panel considered there could be a risk of Mr Hacker repeating this type of behaviour. The panel noted that there was evidence that he had been seeking employment with other camps after the incidents had been raised with Kings Foundation and the School and were being investigated.

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

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 Hacker. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 the teacher. 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); and
- violation of the rights of pupils.

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.

The panel found that Mr Hacker's actions were planned and deliberate.

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

Limited evidence was submitted to attest to Mr Hacker's history or ability as a teacher. The panel noted the evidence in the bundle that stated Mr Hacker had been an exemplary member of staff and that there had been no previous safeguarding concerns. However, the panel also noted that Mr Hacker was fairly new to the teaching profession and so they would expect him to have a clean record. No evidence was submitted to demonstrate exceptionally high standards in both personal and professional conduct or to suggest that Mr Hacker contributed significantly to the education sector.

The panel also considered that Mr Hacker had shown a lack of insight or remorse both during the School's investigation and police interview. The panel noted that there was no evidence to suggest that Mr Hacker had demonstrated a real understanding of what he had done wrong. The panel also noted that Person A had to put a stop to the situation and at no point before [redacted] did this, did Mr Hacker recognise the serious and inappropriate nature of his behaviour.

The panel noted that when the incidents were raised, Mr Hacker had immediately tried to characterise Person A as his "*colleague*", despite his role of a mentor to Person A, and did not recognise the professional boundary that he had crossed or the impact that his behaviour may have had on Person A.

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 Hacker 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 Hacker. The seriousness of the incidents and the lack of insight and remorse were significant factors in coming to this conclusion. 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 would have greater relevance and weigh in favour of a longer review period. The panel found that none of these applied in this case.

The Advice also indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Hacker was responsible for engaging in sexual activity with Person A who at the time [redacted] and under his supervision.

The panel noted the seriousness of the allegations and considered that there was sufficient evidence in the bundle to suggest a risk of future repetition of such behaviour particularly given Mr Hacker's lack of insight.

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 Benjamin Hacker should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Hacker 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 finds that the conduct of Mr Hacker fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include, “engaging in sexual activity with Person A, who [redacted] and under his supervision.”

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 Hacker, 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/safeguard pupils. The panel has observed, “The panel considered there could be a risk of Mr Hacker repeating this type of behaviour.” 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 also considered that Mr Hacker had shown a lack of insight or remorse both during the School's investigation and police interview. The panel noted that there was no evidence to suggest that Mr Hacker had demonstrated a real understanding of what he had done wrong. The panel also noted that Person A had to put a stop to the situation and at no point before [redacted] did this did Mr Hacker recognise the serious and inappropriate nature of his behaviour.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future 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, “In the light of the panel’s findings against Mr Hacker, which involved engaging in sexual activity with Person A, [redacted] and under his supervision, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a child.” The panel also considered, “that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hacker was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the sexual nature of the findings in this case and the impact that such findings have 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 Hacker, the panel comment “Limited evidence was submitted to attest to Mr Hacker’s history or ability as a teacher. The panel noted the evidence in the bundle that stated Mr Hacker had been an exemplary member of staff and that there had been no previous safeguarding concerns. However, the panel also noted that Mr Hacker was fairly new to the teaching profession and so they would expect him to have a clean record. No evidence was submitted to demonstrate exceptionally high standards in both personal and professional conduct or to suggest that Mr Hacker contributed significantly to the education sector.” A prohibition order would prevent Mr Hacker from teaching and 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 Hacker has made to the profession. In my view, it is necessary to impose a prohibition order, in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The panel noted the seriousness of the allegations and considered that there was sufficient evidence in the bundle to suggest a risk of future repetition of such behaviour particularly given Mr Hacker's lack of insight."

I have considered whether allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the incidents, the lack of either insight or remorse, and the risk of repetition of the behaviours found proven.

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 Benjamin Hacker 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 Hacker 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 Hacker 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.



Decision maker: John Knowles

Date: 10 February 2023

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