



Teaching
Regulation
Agency

Mr Henry Golding: Professional conduct panel meeting outcome

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

June 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	4
Findings of fact	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

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

Teacher:	Mr Henry Golding
Teacher ref number:	1684322
Teacher date of birth:	12 April 1989
TRA reference:	19653
Date of determination:	5 June 2023
Former employer:	Flegg High Ormiston Academy, Great Yarmouth

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 5 June 2023 by virtual means, to consider the case of Mr Henry Golding.

The panel members were Mr Jeremy Philips (lay panellist – in the chair), Ms Nicola Hartley (lay panellist) and Miss Rachel Kruger (teacher panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Golding that the allegations be considered without a hearing. Mr Golding 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 Louise Murphy-King of Kingsley Napley LLP, or Mr Golding.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 30 May 2023

It was alleged that Mr Golding was guilty of having been convicted of a relevant offence at any time in that:

1. On or around 4 August 2021 he was convicted of three counts of making indecent photographs of children;
2. On or around 4 October 2021, he was convicted of sexual assault.

Mr Golding admitted both the facts of the allegation and that he had been convicted of a relevant offence.

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 5 to 7

Section 2: Notice of referral, response and notice of meeting – pages 8 to 15A

Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 20

Section 4: Teaching Regulation Agency documents – pages 21 to 315

Section 5: Teacher documents – page 316

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 Golding on 18 February 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Golding 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 Golding was employed by Flegg High Ormiston Academy (“the School”) as a mathematics teacher since 3 July 2017. He was appointed to an NQT Fast Track Development Post. He was suspended from his role on 25 November 2019 and a disciplinary hearing took place on 16 December 2020.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 4 August 2021 you were convicted of three counts of making indecent photographs of children;**
- 2. On or around 4 October 2021, you were convicted of sexual assault.**

Mr Golding admitted these allegations in a statement of agreed facts signed on 18 February 2023. Mr Golding admitted that, on 20 November 2019, Student A made a disclosure to the [REDACTED]. The same day, Mr Golding was referred to the LADO for investigation following the allegation of inappropriate physical contact with a child.

Mr Golding admitted that he was arrested by the police on 11 December 2019, interviewed under caution and that his electronic devices were seized. He also admitted that on 4 September 2020, he voluntarily attended the police station and was interviewed under caution in relation to the alleged possession of indecent images of children on his personal electronic devices. Mr Golding admitted that examination of his computer revealed indecent images of children, namely: 4 Category A images, including one moving image; 35 Category B images, including three moving images; and 180 Category C images. He admitted that, on 4 August 2021, he pleaded guilty and was convicted of three counts of making indecent photographs of children and one count of sexual assault.

With regard to the sexual assault, Mr Golding also admitted that the School had identified a list of disruptive students suitable for an informal mentorship, that he had [REDACTED], and at the time of the incident, was acting as [REDACTED] in a position of trust. Mr Golding admitted that, on 15 November 2019, he ran his fingers up and down Student A’s left thigh, and on the same date, he cupped Student A’s bottom.

The panel has seen the certificate of conviction confirming Mr Golding's conviction of the alleged offences. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction. The panel noted that Mr Golding was sentenced on 16 November 2021 to imprisonment for a total of 17 months, that he is subject to a sexual harm prevention order for ten years, subject to notification requirements for ten years, that he may be placed on the barring list by DBS and ordered to pay a victim surcharge of £156.

The panel found the allegations proven.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to conviction of a relevant offence.

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 Golding in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Golding 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

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 the individual's actions were relevant to teaching, working with children and working in an education setting. The sexual assault was against a pupil and occurred in the School environment. The indecent photographs in Mr Golding's possession indicated his sexual interest in children.

The panel noted that the behaviour involved in committing the offence had an impact on the safety of Student A, a child who Mr Golding had [REDACTED]. The panel also took account of the way the teaching profession is viewed by others. The panel considered

that Mr Golding's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Golding was allowed to continue teaching.

The panel noted that Mr Golding's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving sexual activity and activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered these offences were serious, particularly given the sexual assault took place against a student who Mr Golding had [REDACTED] and the sexual interest in children demonstrated by the photographs in his possession.

Mr Golding adduced no evidence of his record as a teacher, nor of any remedial steps he has taken to address his issues. The panel noted that the sentencing transcript referred to Mr Golding having [REDACTED] and having therefore taken some steps to address his offending behaviour. The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Golding's fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences was 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 a conviction of a relevant offence, 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Golding and whether a prohibition order is necessary and proportionate. 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; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of sexual assault against a pupil, and making indecent photographs of children.

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

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

The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Golding in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

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

- 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 disclosure;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- abuse of position or trust (particularly involving vulnerable pupils)

- an 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;

any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents;

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, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Mr Golding's actions were deliberate.

There was no evidence to suggest that Mr Golding was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Golding's actions to be calculated and motivated.

The panel accepted that Mr Golding did have a previously good history. However, there was no evidence that he had demonstrated exceptionally high standards in his personal and professional conduct and having contributed significantly to the education sector.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel noted that, when he was sentenced, Mr Golding received a full discount for pleading guilty to the charges of making indecent photographs of children. He received only a partial discount to his sentence in respect of the sexual assault, since he originally pleaded not guilty, and changed his plea part way through the criminal proceedings. The panel had a considerable volume of papers containing Mr Golding's representations in the School disciplinary hearing, in which Mr Golding sought to stall the disciplinary process on procedural grounds. For this hearing before the panel, Mr Golding has written to state that he ought to be disqualified, and that he did not wish to provide any mitigation. He stated that he was sorry for his actions, which were reckless, inconsiderate and harmful. He has accepted that he behaved irresponsibly and put one of his students through a deeply unpleasant experience. He has accepted that the impact of his actions caused the student to be teased by his friends and adopt a sceptical attitude towards trusting people in the future. He has accepted that he damaged the trust placed in the teaching profession and abused his position of power.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Golding 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 Golding given the seriousness of the offences. 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 for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. 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; any sexual misconduct involving a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The offences committed by Mr Golding fell within each of these categories.

Whilst Mr Golding has now stated that he is sorry for his actions, and appears to have developed some insight into the impact of his actions, the panel has not seen any evidence of the remedial steps he has taken to address his offending behaviour and provide assurance of the risk of repetition. This was of concern, particularly when Mr Golding initially sought to deny the sexual assault and stall the School's disciplinary hearing.

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 provision 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 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 Mr Henry Golding should be the subject of a prohibition order, with no provision for a review period.

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

The findings of misconduct are particularly serious as they concern convictions for making indecent photographs of children and sexual assault.

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 prohibiting Mr Golding, 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 noted that it "found Mr Golding's actions to be calculated and motivated." The panel also observed that "these offences were serious, particularly given the sexual assault took place against a student who Mr Golding had [REDACTED] and the sexual interest in children demonstrated by the photographs in his

possession.” 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, “Whilst Mr Golding has now stated that he is sorry for his actions, and appears to have developed some insight into the impact of his actions, the panel has not seen any evidence of the remedial steps he has taken to address his offending behaviour and provide assurance of the risk of repetition. This was of concern, particularly when Mr Golding initially sought to deny the sexual assault and stall the School’s disciplinary hearing.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Golding were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of convictions for making indecent photographs of children and sexual assault 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 Mr Golding himself. The panel noted that “Mr Golding did have a previously good history. However, there was no evidence that he had demonstrated exceptionally high standards in his personal and professional conduct and having contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. I refer again to the panel’s comment that “Whilst Mr Golding has now stated that he is sorry for his actions, and appears to have developed some insight into the impact of his actions, the panel has not seen any evidence of the remedial

steps he has taken to address his offending behaviour and provide assurance of the risk of repetition.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Golding has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full 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 that “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. 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; any sexual misconduct involving a child; and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The offences committed by Mr Golding fell within each of these categories.”

I have considered whether not allowing 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. 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 finding of convictions for making indecent photographs of children and sexual assault.

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

A handwritten signature in black ink, appearing to be 'D Oatley', written in a cursive style.

Decision maker: David Oatley

Date: 6 June 2023

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