



Teaching  
Regulation  
Agency

# **Mr Craig White: Professional conduct panel outcome**

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

**June 2023**

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

<b>Teacher:</b>	Mr Craig White
<b>Teacher ref number:</b>	1839684
<b>Teacher date of birth:</b>	16 November 1996
<b>TRA reference:</b>	18699
<b>Date of determination:</b>	12 June 2023
<b>Former employer:</b>	Queen Elizabeth’s Grammar School, Derbyshire

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 12 June 2023 by virtual means, to consider the case of Mr Craig White.

The panel members were Ms Rachel Cooper (teacher panellist – in the chair), Ms Gerida Montague-Munson (teacher panellist), and Mr Ronan Tyrer (lay panellist).

The legal adviser to the panel was Ms Emma Routledge of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millen of Kingsley Napley solicitors.

Mr White was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 30 March 2023.

It was alleged that Mr White was guilty of having been convicted of a relevant offence, in that:

1. On or around 19 April 2021, Mr White was convicted of attempting to engage in sexual communication with a child on 26 August 2019, contrary to the Criminal Attempts Act 1981.
2. On or around 19 April 2021, Mr White was convicted of making an indecent photograph or pseudo photograph of a child, contrary to the Protection of Children Act 1978.

The convictions of the above offences are admitted by Mr White.

## Preliminary applications

The panel considered the following preliminary applications from the Presenting Officer:

### 1. To proceed in the absence of Mr White:

- The panel was satisfied that the TRA has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012.
- The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession.
- The panel has taken as its starting point the principle from *R v Jones* [2003] 1 AC 1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* 2016] EWCA Civ 162.
- In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1:
  - The panel determined that it was plain from the documents available to the panel that Mr White had received the Notice of Proceedings and had knowledge of the date, time and format of the hearing, namely because Mr White has responded to the Notice. The TRA also confirmed to the

panel that the TRA had spoken with Mr White on the morning of the hearing, and that Mr White confirmed that he would not attend.

- There was no evidence to suggest that an adjournment might result in Mr White attending voluntarily.
- Mr White expressed no wish to adjourn to obtain legal representation or otherwise.
- The panel has the benefit of representations made by the teacher and is able to ascertain the lines of defence. The panel did not identify any gaps in the documentary evidence provided to it.
- The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from being a teacher.
- The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain public confidence in the profession.
- The panel noted that there are no witnesses to be called, and therefore the effect of delay on the memories of witnesses is not a factor to be taken into consideration in this case.

The panel therefore considered that Mr White has waived his right to be present at the hearing. The panel considered that in light of Mr White's waiver of his right to appear, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing in Mr White's absence. Accordingly, the panel decided to proceed in Mr White's absence.

## **2. To amend both allegations against Mr White to remove references to the particular sections of the legislation referred to in the allegations:**

- The panel considered that the amendment proposed, being a clarification of the legislation pursuant to which the allegations of two relevant convictions were made, does not change the nature, scope or seriousness of the allegations. There is no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The panel therefore decided to amend the allegation as proposed.

# Summary of evidence

## Documents

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

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of proceedings – pages 5 to 8

Section 3: Teaching Regulation Agency documents – pages 10 to 79

Section 4: Teacher's response – pages 80 to 82

The Presenting Officer did not object to the Panel accepting a late bundle of documents which included:

1. Email from Mr White enclosing late statement dated 31 May 2023 – page 3
2. Mr White's late statement – pages 4 to 6

The panel decided that it was fair to admit the documents and that they were relevant in providing Mr White's response to the allegations. The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

## Findings of fact

The findings of fact are as follows:

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

- 1. On or around 19 April 2021, Mr White was convicted of attempting to engage in sexual communication with a child on 26 August 2019, contrary to the Criminal Attempts Act 1981.**
- 2. On or around 19 April 2021, Mr White was convicted of making an indecent photograph or pseudo photograph of a child, contrary to the Protection of Children Act 1978.**

The allegations were admitted and were supported by evidence presented to the panel. In particular, the panel has seen the certificate of conviction confirming Mr White'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 White initially received a community sentence to undertake a rehabilitation activity requirement for a maximum of 40 days as part of a 24 month community order. He was also required to participate in a sex offender programme for a period of 43 days as part of the 24 month community order. It was also ordered that he may be placed on the barring list by the Disclosure and Barring Service, and he was required to sign the sex offenders register for a period of 5 years. A sexual harm prevention order was put in place for a period of 5 years. Mr White was also ordered to pay £340 towards the cost of prosecution, to pay a victim surcharge of £90 and the forfeiture and destruction of his mobile phones was ordered.

The matter came back before the court on 8 August 2022, when Mr White admitted that he had failed to comply with the requirements of the community order and was re-sentenced for his original offences. He therefore received an additional sentence of 12 months' imprisonment suspended for 2 years. He was required to perform 80 hours of unpaid work and forty rehabilitation activity days and ordered to pay a further £200 in costs. The sexual harm prevention order remained in place.

### **Findings as to conviction of a relevant offence**

The panel was satisfied that the conduct of Mr White, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr White 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
  - not undermining...the rule of law
- 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/or working in an education setting. Most significantly, Mr White was convicted of attempting sexual misconduct involving a child and an activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child.

The panel noted that, had the person that Mr White communicated with been of the age that Mr White believed (the person was actually a decoy posing as a child), the behaviour involved in committing the offence would have had an impact on the safety of that person.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr White's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr White was allowed to continue teaching.

As above, this was a case concerning two offences involving attempting to engage in sexual communication with a child and an 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. 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's view was that Mr White's behaviour in committing the offences, and ultimate conviction and sentencing (including a suspended custodial sentence) was extremely serious.

The panel took into account Mr White's written evidence that he committed the offences following the breakdown of a personal relationship that had left him distraught and not thinking clearly. However, it is plain from the evidence that Mr White had committed two separate relevant offences on two separate occasions.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr White'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 White 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 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 White of two relevant offences of (i) attempted sexual misconduct involving a child; and (ii) an activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, there was a strong public interest consideration. Namely:

1. There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of attempting to engage in sexual communications with children, and making an indecent photograph or pseudo photograph of a child;
2. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr White were not treated with the utmost seriousness when regulating the conduct of the profession;
3. 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 Mr White's conduct was against the law;
4. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr White in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher; and
5. 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 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:

1. Serious departure from the personal and professional conduct elements of the Teachers' Standards;
2. 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;
3. Misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
4. 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;

5. 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; and
6. Dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests. In particular, there are a number of occasions on which he has been found to have been deceptive with the probation service, members of his family, his friends and his employer, and Mr White has previously admitted to deleting his internet history.

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/ whether there were mitigating circumstances.

In the light of the panel's findings:

1. There was no evidence that Mr White's actions were not deliberate;
2. There was no evidence to suggest that Mr White was acting under extreme duress; and
3. The panel considered that there was no evidence available to it to demonstrate that Mr White did have a previously good history, or had demonstrated exceptionally high standards in both his personal and professional conduct or having contributed significantly to the education sector, in particular given that Mr White was arrested in relation to the relevant offences on the second day of his employment as a qualified teacher.
4. No character statements or references were referred to the panel.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr White 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 White. The factors set out above were a significant factor in forming that opinion.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 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 panel found that Mr White was responsible for relevant offences involving the conduct set out above. The panel also noted, with significance, that whilst Mr White was convicted of attempting to engage in sexual communication with a child, this is only because Mr White was in fact communicating with a decoy who purported to be a child. However, it is clear from the evidence that Mr White intended to engage in sexual communication with a child and thought that he was doing so. Further, that Mr White was attempting to make preparations to meet the child for a sexual purpose.

In particular:

1. The panel considered that there was no evidence to suggest that Mr White, some four years after he was convicted of the relevant offences, has true insight about his conduct and why it is incompatible with the standards upheld by the teaching profession, or that he understands the potential consequences for the child.
2. Most significantly, his concealment of the nature of his convictions from friends, family and his employer in breach of the requirements of his community order demonstrate that Mr White's path to developing insight is one that he has struggled with and casts doubt upon the extent to which his representations can be relied upon.

In light of the above, the panel considers that there is a risk of repetition by Mr White.

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 a relevant conviction.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others
  - not undermining...the rule of law
- Teachers must have 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 White fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they involve attempting to engage in sexual communication with a child and making an indecent photograph or pseudo photograph of a child.

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 White, 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, "...had the person that Mr White communicated with been of the age that Mr White believed (the person was actually a decoy posing as a child), the behaviour involved in committing the offence would have had an impact on the safety of that person". 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 considered that there was no evidence to suggest that Mr White, some four years after he was convicted of the relevant offences, has true insight about his conduct and why it is incompatible with the standards upheld by the teaching profession, or that he understands the potential consequences for the child." The panel also observed that, "Most significantly, his concealment of the nature of his convictions from friends, family and his employer in breach of the requirements of his community order demonstrate that Mr White's path to developing insight is one that he has struggled with and casts doubt upon the extent to which his representations can be relied upon." In my judgment, this lack of evidence of insight and remorse means that there is some risk of repetition of this behaviour in the future and this puts at risk the future wellbeing of pupils. Consequently, I have given this element very considerable weight in my considerations.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel considered that, "...Mr White's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr White was allowed to continue teaching." I am particularly mindful of the seriousness of the panel's findings of offences involving attempting to engage in sexual communication with a child and making an indecent photograph or pseudo photograph of a child 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 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 White himself and the panel's comment "there was no evidence available to it to demonstrate that Mr White did have a previously good history, or had demonstrated exceptionally high standards in both his personal and professional conduct or having contributed significantly to the education

sector, in particular given that Mr White was arrested in relation to the relevant offences on the second day of his employment as a qualified teacher.”

A prohibition order would prevent Mr White 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 full insight or remorse. I refer again to the fact that in the panel's words it had found "...that there was no evidence to suggest that Mr White, some four years after he was convicted of the relevant offences, has true insight about his conduct and why it is incompatible with the standards upheld by the teaching profession, or that he understands the potential consequences for the child. I have also noted the significance that the panel attached to its observation that "...whilst Mr White was convicted of attempting to engage in sexual communication with a child, this is only because Mr White was in fact communicating with a decoy who purported to be a child. However, it is clear from the evidence that Mr White intended to engage in sexual communication with a child and thought that he was doing so. Further, that Mr White was attempting to make preparations to meet the child for a sexual purpose.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr White 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 serious 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.

In doing so the panel noted 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 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 panel found that Mr White was responsible for relevant offences involving the conduct set out above.”

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 findings, involving attempting to engage in sexual communication with

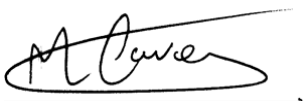
a child and making an indecent photograph or pseudo photograph of a child, and the lack of full insight and remorse.

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

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed in a thin black rectangular border.

**Decision maker: Marc Cavey**

**Date: 16 June 2023**

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