



Teaching
Regulation
Agency

Mr Lloyd Harrison: Professional conduct panel outcome

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

August 2023

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

Teacher:	Mr Lloyd Harrison
Teacher ref number:	1138594
Teacher date of birth:	21 April 1988
TRA reference:	19188
Date of determination:	23 August 2023
Former employer:	Burnside Enterprise College, North Tyneside, and School B, Newcastle-upon-Tyne

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 21 to 23 August 2023 by way of a virtual hearing, to consider the case of Mr Lloyd Harrison.

The panel members were Mr John Martin (teacher panellist – in the chair), Mr Clive Ruddle (lay panellist) and Ms Sue Davies (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Tom Sherrington of Browne Jacobson LLP solicitors.

Mr Harrison was not present and was not represented at the hearing.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 7 June 2023.

It was alleged that Mr Harrison was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. During and/or after your employment as a teacher at Burnside Enterprise College ('School A'), which he taught at until approximately the end of July 2016, and to which he remained contracted until 31 August 2016, he engaged in and/or developed an inappropriate relationship with Pupil A in that he:
 - a. met her 1-on-1 at school during free time from approximately February 2016;
 - b. met her 1-on-1 at school during free time from approximately April 2016;
 - c. discussed personal issues with her from approximately April 2016;
 - d. exchanged electronic messages with her from approximately April 2016;
 - e. gifted her a book with a personal inscription dated 17 July 2016 which he signed off 'with all my love' or with words to that effect;
 - f. met her 1-to-1 away from school premises on or around 22 July 2016;
 - g. attempted to kiss her on or around 22 July 2016;
 - h. met her 1-to-1 at his home on one or more occasions commencing from in or around July 2016;
 - i. kissed her on one or more occasions commencing from in or around July 2016;
and
 - j. engaged in sexual activity with her commencing from in or around August 2016.
2. His conduct, as may be found proven, at Allegation 1 above was not withstanding that Pupil A was a vulnerable pupil, in particular that she had been bullied whilst attending School A.
3. His conduct, as may be found proven, at Allegation 1 above was sexually motivated.
4. Whilst employed as a teacher at 'School B';
 - a. during a meeting with School B, on or around 13 September 2017, he informed School B:

- i. that he knew Pupil A through her family and had never directly taught her when in fact he had taught her at School A;
 - ii. his relationship with Pupil A had taken place after he had left the school when in fact:
 1. his conduct, as may be found proven, at Allegations 1(a)-(i) was prior to his last day working at School A; and/or
 2. his conduct, as may be found proven, at Allegation 1(a)-(j) was whilst he was still contracted to with School A;
 - iii. that his relationship with Pupil A had lasted only a few months and/or had ended in or around the summer of 2016 when in fact his relationship with Pupil A had continued until approximately September 2017; and
 - iv. that he had elected, wholly or in part, not to disclose his relationship with Pupil A to the school as it had already ended when in fact your relationship with Pupil A had been ongoing whilst he was employed at the school;
- b. he failed to disclose to School B in or around September 2019:
- i. that letters had been disseminated in the community making serious allegations of a sexual nature against him; and/or
 - ii. that police were conducting a criminal investigation into his relationship with Pupil A.
5. His conduct, as may be found proven, at Allegation 4 above lacked integrity and/or was dishonest.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the Teacher misconduct: Disciplinary procedures for the teaching profession published in April 2018 (the '2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the 2018 Procedures in this case.

Application to proceed in the absence of the teacher

Mr Harrison was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Harrison.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the notice of proceedings had been sent to Mr Harrison in accordance with the 2018 Procedures.

The panel was provided with an email thread between the TRA, Browne Jacobson and Aidan Carr, a consultant solicitor at Burton Copeland instructed on behalf of Mr Harrison. The panel noted an email from Mr Carr to the TRA dated 2 February 2023 in which he stated: *"I am not instructed to file a Witness Statement on behalf of Mr Harrison, nor to attend any hearing to represent his interests, nor will Mr Harrison be in attendance. If you can let me know the hearing dates once fixed, I can reply with a letter confirming that 'Mr Harrison is aware of the hearing date, is not seeking a postponement or adjournment and is aware that the hearing can proceed in his absence'."*

The panel noted an email from Browne Jacobson LLP to Mr Carr dated 19 July 2023 requesting that Mr Carr confirm the final position in relation to his and Mr Harrison's attendance at the hearing. Mr Carr replied on 20 July 2023 and confirmed that he would take instructions from Mr Harrison and respond within 7 days. Browne Jacobson LLP emailed Mr Carr on 31 July 2023 and 7 August 2023 to request an update in respect of Mr Harrison's attendance at the professional conduct panel hearing. However, Mr Carr did not respond to those emails.

The panel concluded that Mr Harrison's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Harrison had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing.

There was no medical evidence before the panel that Mr Harrison was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Harrison was neither present nor represented at the hearing.

Application for the hearing to be heard in private and to anonymise the name of a school during the hearing

The panel was provided with 2 letters, dated 8 June 2023 and 3 July 2023, from the Principal of 'School B'. The letters requested that:

- a. The hearing be heard in private.
- b. The name and identity of School B should not be disclosed during the hearing.
- c. The name and identity of School B should not appear in any public report.

The panel considered points a. and b. of the application outlined above. The application at c. above was for the TRA to determine, not the panel.

The principal of School B was not present at the hearing, so the presenting officer introduced the application on the School's behalf.

The application was made on the basis that:

- Mr Harrison worked at another school at the time the alleged misconduct occurred.
- [REDACTED].

The presenting officer confirmed that the TRA's position in respect of the application was largely neutral, save that it did not consider a private hearing would be necessary. The presenting officer also informed the panel that correspondence from Mr Carr (which was not before the panel) indicated that Mr Harrison supported the application and [REDACTED].

The panel received legal advice and was referred to paragraph 4.60 of the 2018 Procedures which states that a panel may, if it considers it in the interest of justice, decide that: "*the name and identify of a school will not be disclosed during the hearing or at all...*".

Further, the panel was referred to paragraph 4.57 of the 2018 Procedures and paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 which together indicate that a panel may exclude the public from a hearing, or any part of a hearing, where: (a) it appears to the panel to be in the interests of justice or in the public interest to do so; (b) the teacher requests that all or part of a hearing is heard in private and the panel does not consider it to be contrary to the public interest to do so; and (c) it is necessary to protect the interests of children or vulnerable witnesses.

The panel understood there is a presumption that hearings will take place in public. The panel was referred to the case of ***R v Legal Aid Board Ex p. Kaim Todner [1999] QB***

966 which commented as follows in respect of the need for hearings to take place in public:

“It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public’s confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties’ or witnesses’ identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely”.

Further, the panel was referred to the case of **Miller v General Medical Council [2013] EWHC 1934**, in which the High Court summarised the key principles for consideration as follows:

- *“A distinction is to be drawn between parties and witnesses and as to parties between those who initiate and those who defend proceedings;*
- *Generally parties and witnesses have to accept the risk of embarrassment and consequential loss and damage as a result of giving evidence at a public hearing because (a) the protection to which they are normally entitled is a judgment that refutes unfounded allegations and (b) any other approach results in an unacceptable inroad into the general principle. Subject to that:*
 - *A person who initiates proceedings will generally be taken to have accepted the public nature of the proceedings initiated;*
 - *A Defendant has not chosen to initiate proceedings that are normally conducted in public and so may have a greater legitimate interest in a claim to protection;*
 - *A witness with no interest in the proceedings has the strongest claim to protection “... if he or she will be prejudiced by publicity ...”;*
 - *Generally, where a party or witness seeks protection, the reasonableness of the claim for protection is important;*
 - *A party cannot be allowed to achieve anonymity by insisting upon it ... irrespective of whether the demand is reasonable. There must be some objective foundation for the claim which is being made.”*

Finally, the panel was referred to the case of **Lu v Solicitors Regulation Authority [2022] EWHC 1729**, in which the High Court commented, on the subject of the hearing being held in private, *“It appears from the judgment that sitting in private was convenient*

rather than necessary". The Court went on to comment, in respect of anonymising the names of third parties, as follows:

"A common misconception is that if the identity of a person in legal proceedings is not directly relevant, there is no public interest in that person's name being known. The justice system thrives on fearless naming of people, whether bit part players or a protagonist."

"Courts and tribunals should not be squeamish about naming innocent people caught up in the alleged wrongdoing of others. It is part of the price of open justice and there is no presumption that their privacy is more important than open justice."

The panel firstly considered whether it would be appropriate for the hearing to be heard in private. The panel concluded that it would be contrary to the public interest for the hearing to be heard in private, in line with the principles set out above. The panel therefore did not grant the application for the hearing to be heard in private.

The panel then considered whether it would be appropriate to anonymise the name of the school during the hearing and whether, in line with the principles above, it was strictly necessary to do so and whether the application for privacy outweighed the principles of open justice. Whilst the panel was sympathetic to [REDACTED], the application did not provide sufficient detail as to [REDACTED]. As such, the panel did not consider that the application outweighed the principles of open justice. The panel was also mindful that allegations 4 and 5 related to Mr Harrison's employment at School B. The panel therefore did not grant the application to anonymise the name of School B.

Application to admit an additional document

The panel considered a written preliminary application from Mr Carr to admit a written witness statement from Mr Harrison. Neither Mr Harrison nor his representative were present at the hearing to make representations in respect of this written application.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the 2018 Procedures. Therefore, the panel was required to decide whether the document should be admitted under paragraph 4.25 of the 2018 Procedures.

The panel heard representations from the presenting officer in respect of the application. The presenting officer informed the panel that Mr Carr had not provided the written application and witness statement until 6.15am on 21 August 2023 (the morning of first day of the hearing).

The presenting officer objected to the admission of the witness statement on the basis that it would cause unfairness and prejudice to the TRA for the following reasons: (a) the extremely late submission of the statement; (b) the statement contained new information;

(c) the presenting officer would not be able to challenge the content of the statement as Mr Harrison was not present at the hearing; and (d) there was a concern the statement had deliberately been provided late.

The panel was very disappointed by the incredibly late submission of Mr Harrison's witness statement, which should have been provided at a much earlier stage in the proceedings.

The panel had not had sight of the witness statement at the time it considered the application for it to be admitted. However, the panel considered that it would be relevant to the matters it had to determine, especially given that Mr Harrison was not present at the hearing. The panel was of the view that it would be fair to admit the statement so that it could understand Mr Harrison's response to the allegations. The panel was satisfied that it could determine the weight that should be placed on the statement, and also seek to challenge the content by way of putting questions to witnesses. The panel therefore considered that any unfairness or prejudice to the TRA would be limited. Accordingly, the panel decided to admit the witness statement as evidence.

Further application to admit additional documents

During the first day of the hearing, it became apparent that the witness statement provided by Mr Harrison did not address the most up-to-date version of the allegations. Mr Harrison's statement addressed the allegations set out in the notice of proceedings dated 27 January 2021, which had been superseded by the allegations set out in the notice of hearing dated 7 June 2023.

This was brought to the attention of Mr Carr (by email) and, on the second day of the hearing, he emailed the presenting officer a supplementary witness statement from Mr Harrison which included the up-to-date allegations and confirmed that Mr Harrison stood by the content of his earlier witness statement.

The presenting officer did not object to the supplementary witness statement being admitted and the panel decided to admit the supplementary statement as evidence.

On the second day of the hearing, Mr Carr also emailed the presenting officer 4 character references from Individual A; Individual B; Individual C; and Individual D. The presenting officer confirmed that he did not object to these statements being admitted if the panel reached the stage of considering sanction but objected to the statements being considered before then.

The panel was wholly unimpressed by the late provision of the character references. Mr Harrison had been provided the opportunity to submit documents in advance of the hearing and should have done so. However, the panel concluded that the character references were relevant to the matters it had to determine and that it would be fair to admit them and consider them prior to the sanction stage (if reached). The panel

received advice in respect of the way in which character evidence can be considered, in line with ***Wisson v Health Professions Council [2013] EWHC 1036 (Admin)***.

Request for copy of written decision and submissions on mitigation

On the third day of the hearing, whilst the decision was being announced, Mr Carr contacted the presenting officer to request that a copy of the decision be emailed to him so that he could prepare submissions on prohibition.

The 2018 Procedures do not entitle a party to request a written copy of the decision mid-way through the proceedings. Paragraph 4.73 of the 2018 Procedures requires the panel to return to the hearing after its deliberations and announce its decision in respect of the facts of the case and whether any proven facts amount to unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction of a relevant offence. Paragraph 4.76 of the 2018 Procedures confirms that the decision will be sent in writing to the teacher, normally within 2 working days of the decision being made by the decision-maker.

Paragraph 4.49 of the 2018 Procedures confirms the procedure at the panel hearing will be determined by the Chair. Having considered the circumstances, the Chair and the panel decided that it would not be appropriate to send a copy of the decision to Mr Carr by email, and therefore declined this request.

However, the presenting officer provided Mr Carr with an overview of the panel's decision and the panel gave Mr Carr the opportunity to provide submissions in respect of mitigation and sanction. Mr Carr provided short written submissions, which the panel considered (in addition to the character references provided on the second day of the hearing).

Summary of evidence

Documents

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

- Section 1: Preliminary documents – page 6
- Section 2: Notice of proceedings and response – pages 8 to 37
- Section 3: TRA witness statements – pages 39 to 182
- Section 4: TRA documents – pages 184 to 273
- Section 5: Teacher documents – none provided.

During the hearing, the panel agreed to accept: a written statement from Mr Harrison; a supplementary statement from Mr Harrison; and the 4 character references referred to above. These were added to section 5 of the bundle.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel also read the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A from School A
- Witness B from School A
- Witness C from School B
- Witness D from School B

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Harrison was employed by Burnside Enterprise College ('School A') as a teacher of design and technology from 1 September 2012 until 31 August 2016.

Mr Harrison was employed by 'School B' as a teacher of design and technology from 1 September 2016 until 17 February 2020.

In June 2017, Witness C at School B, became aware of an allegation that Mr Harrison had been in a relationship with a former pupil of School A, Pupil A. It was understood that the police had looked into this but decided that no further action was necessary.

Witness C spoke to School A, the LADO and Mr Harrison. Another employee, Witness D, also spoke to Mr Harrison. No further action was taken at that time.

In August 2019, Witness C received an anonymous letter which appeared to be written by Pupil A. It subsequently transpired that the same letter had been sent to other individuals, including Mr Harrison and some of his neighbours. Witness D again took advice from the LADO, who confirmed that the police were investigating the matter.

The police interviewed Mr Harrison and Pupil A but no action was taken against Mr Harrison in respect of the matter.

On 20 January 2020, Mr Harrison tendered his resignation from School B, effective from 17 February 2020.

Findings of fact

As set out above, the panel received a witness statement from Mr Harrison on the first day of the hearing in which he denied all of the allegations against him and set out his responses to the allegations. However, he responded to the allegations set out in the notice of proceedings dated 27 January 2021 instead of the correct set of allegations in the notice of hearing dated 7 June 2023. The differences were as follows:

- allegations 1f and 1g in the notice of proceedings referred to conduct that took place on or around 22 July 2017. The date in the notice of hearing was 22 July 2016;
- allegations 1h and 1i in the notice of proceedings referred to conduct that took place on or around July 2017. The date in the notice of hearing was July 2016;
- allegation 1j in the notice of proceedings referred to conduct taking place on or around August 2017. The date in the notice of hearing was August 2016; and
- allegation 3 as set out in the notice of hearing did not appear in the notice of proceedings and therefore Mr Harrison had not responded to this allegation.

In his supplementary witness statement dated 22 August 2023, Mr Harrison set out the correct allegations (as set out in the notice of hearing) and stated: *“I have been provided with and have reviewed the correct allegations, set out below and despite the changes, stand by my first Witness Statement”*. The panel therefore considered the responses in Mr Harrison’s witness statement dated 21 August 2023.

Mr Harrison did not attend the hearing, so the panel did not have the opportunity to hear oral evidence from Mr Harrison and was unable to challenge or explore the matters set out in his witness statement. Similarly, Pupil A did not attend the hearing, nor did she provide a witness statement. The panel did not therefore have the opportunity to hear oral evidence from her and was unable to challenge or explore evidence attributed to her (including the statement she gave to Northumbria Police).

The findings of fact are as follows:

- 1. During and/or after your employment as a teacher at Burnside Enterprise College (‘School A’), which you taught at until approximately the end of July 2016, and to which you remained contracted until 31 August 2016, you engaged in and/or developed an inappropriate relationship with Pupil A in that you:**

a. met her 1-on-1 at school during free time from approximately February 2016;

b. met her 1-on-1 at school during free time from approximately April 2016;

The panel was provided with a copy of a witness statement Pupil A provided to Northumbria Police. The statement was signed by Pupil A and dated 13 September 2019. The panel noted the following passage:

“In 2014 I was in year [REDACTED] when my lessons began with Mr Harrison and we had a normal teacher student relationship. When I attended sixth form Mr Harrison was my teacher for product design [REDACTED]. I was in this class for [REDACTED] years. During this time I was being subjected to bullying and this is when I would say the relationship began to change. This was around February 2016 and I was in year [REDACTED]. It started with 1-1 sessions with us sitting close to each other. Any free time was an excuse to sit next to each other... and I would stay behind after school and we would chat.”

In Mr Harrison’s witness statement, he stated that all meetings with Pupil A during the timescale specified were undertaken within the school setting and arranged for the purpose of providing additional help and advice regarding schoolwork and university applications. He said that Pupil A was an aspiring architecture student and, as he has a background in architectural studies, he provided help and advice.

The panel heard oral evidence from Witness B. Witness B indicated that it was normal practice for teachers to support students with design work and university portfolios during free time. Witness B indicated that she had assisted pupils in the same manner and it was not uncommon for [REDACTED] pupils to come to the department to seek one-to-one support during free periods. Witness B also stated that Pupil A was encouraged to work with Mr Harrison because she was interested in architecture and Mr Harrison had experience in that area.

The panel therefore concluded that Mr Harrison did meet Pupil A on a one-to-one basis during free time.

The panel moved on to consider whether, in meeting Pupil A on a one-to-one basis during free time, Mr Harrison had developed or engaged in an inappropriate relationship with Pupil A. The broader evidence before the panel indicated that an inappropriate relationship in some form had, at some stage, developed between Mr Harrison and Pupil A. However, there was not sufficient evidence before the panel to prove, on the balance of probabilities, that an inappropriate relationship was engaged in or developed during one-to-one meetings in free time from February and April 2016.

The panel was mindful that such a relationship could have developed in any number of ways and that the one-to-one meetings could have been for academic purposes. For

example, Pupil A mentioned in her police statement that she would stay behind after school and they would chat.

Whilst the panel took Pupil A's police statement into account, it noted that the statement was not contemporaneous and was given some 3 years later. Without the benefit of hearing from Mr Harrison or Pupil A, and in the absence of any clear supporting evidence in respect of the development of the relationship, the panel found allegations 1a and 1b not proven.

The panel found allegations 1a and 1b not proven.

c. discussed personal issues with her from approximately April 2016;

The panel considered the witness statement Pupil A provided to Northumbria Police and noted the following passage:

“Conversations changed to more personal topics around April/May 2016 where Mr Harrison took more interest in my life and took more interest to help me with my work. Mr Harrison became more of a shoulder to cry on and I would stay behind after school and we would chat. Initially I thought his intentions were good as he was supporting me with my studying and bullying.”

In Mr Harrison's witness statement, he stated that the only issues discussed with Pupil A during April 2016 were within his pastoral and academic duties.

The bundle of documents before the panel contained a photocopy of a handwritten note dated 17 July 2016 from Mr Harrison to Pupil A. The content of this note is set out in more detail below in respect of allegation 1e. The panel noted the following passage: *“I was going to tackle this in a certain way until we had a conversation only yesterday about what I saw in you...”*

The panel was of the view that, given the content of the handwritten note, the conversation Mr Harrison referred to with Pupil A would clearly have been personal in nature. The panel therefore concluded that, in July 2016, Mr Harrison had discussed personal issues with Pupil A. The panel considered it more likely than not that Mr Harrison had also engaged in personal conversations with Pupil A before July 2016. On the balance of probabilities, the panel concluded that Mr Harrison discussed personal issues with Pupil A from approximately April 2016.

The panel found allegation 1c proven.

d. exchanged electronic messages with her from approximately April 2016;

The panel considered the witness statement Pupil A provided to Northumbria Police and noted the following passage:

“We would send emails to each other via school email and then personal email addresses.”

In Mr Harrison’s witness statement, he stated that all emails exchanged with Pupil A were done so from his school email account and were within his pastoral and academic duties.

In her oral evidence, Witness B indicated that it was normal practice within School A to exchange emails with pupils using school email for the purposes of pastoral and academic duties. Witness B also kept in touch with Pupil A after she had left school and would exchange emails using her school email address to discuss her university course.

The only evidence the panel was provided with in support of this allegation was the extract from Pupil A’s statement above. The panel was not provided with copies of any of the electronic messages Mr Harrison had allegedly exchanged with Pupil A. The panel was not provided with any evidence in respect of the content of the electronic messages that were allegedly exchanged.

As such, there was not sufficient evidence before the panel to prove, on the balance of probabilities that Mr Harrison engaged in or developed an inappropriate relationship with Pupil A by exchanging electronic messages with her from April 2016.

The panel found allegation 1d not proven.

e. gifted her a book with a personal inscription dated 17 July 2016 which you signed off ‘with all my love’ or with words to that effect;

The panel considered the witness statement Pupil A provided to Northumbria Police and noted the following passage:

“He brought me an architect book which had a lengthy note wrote inside... this note was signed off as all my love Lloyd. I interpreted the note in the book to be about me and how I was the type of person he wanted a relationship with. The note in this book was dated 17 June 2017.”

The bundle of documents before the panel contained a photocopy of a handwritten note in a book. The note was dated 17 July 2016 and it was signed “All my love Lloyd xxx”.

The note was personal in nature and contained passages such as:

- *“It has been you who has been the one that has truly inspired me and changed my life dramatically for the better.”*
- *“...in that conversation I talked about a list – a list of what I looked for in a partner. I would like to share this list with you...”*

- A checklist of attributes that Mr Harrison looked for in a partner, which included “Looks to die for”, “physically athletic” and “be open minded”. Mr Harrison had placed tick marks beside each of the attributes, to indicate that Pupil A possessed the attributes that he looked for in a partner.
- *“Remember... no matter what happens in the future, you are all of those things on that list. You tick every box. So it’s in your hands to make your life everything you want it to be and more.”*
- *“If you ever feel at all down, or you’re just having a bad day, just read the list because you wrote it: without you, that list cannot exist.”*
- *“Be special”*

In Mr Harrison’s witness statement, he stated that all students who went on to study design-related fields were in receipt of something useful and memorable. He accepted, with hindsight, that the comment “*all my love*” was imprudent. He said it was a throwaway, thoughtless comment to which he attached no particular significance at the time.

The panel was satisfied from the evidence before it that Mr Harrison gifted Pupil A a book with a personal inscription dated 17 July 2016 which he signed off with “*all my love Lloyd xxx*”.

Furthermore, the panel was satisfied that, in doing so, Mr Harrison had engaged in and/or developed an inappropriate relationship with Pupil A. The inscription was wholly inappropriate and went far beyond an acceptable and professional teacher and pupil relationship.

The panel found allegation 1e proven.

f. met her 1-to-1 away from school premises on or around 22 July 2016;

The panel considered the witness statement Pupil A provided to Northumbria Police and noted that Pupil A referred to meeting up with Mr Harrison in town for the first time on 22 July 2016 in [REDACTED]. The typed statement originally stated 22 July 2019 and this had been amended by hand to read 22 July 2016.

In Mr Harrison’s witness statement, he stated that he met Pupil A to continue to support her. He said that conversations were conducted in public and were of an academic nature.

The panel therefore concluded that Mr Harrison did meet Pupil A away from school premises on or around 22 July 2016.

The panel moved on to consider whether, in meeting Pupil A away from the school premises on or around 22 July 2016, Mr Harrison engaged in or developed an inappropriate relationship with her.

The panel heard oral evidence from Witness A. Witness A told the panel that Mr Harrison left School A in the summer of 2016 but that he would have remained employed by School A until 31 August 2016. The panel accepted this evidence as being consistent with normal practice in the education sector. The panel considered that it was inappropriate for Mr Harrison to meet Pupil A off-site whilst he was still employed by School A.

The panel was mindful that the inscription in the book Mr Harrison gifted Pupil A was dated 17 July 2016 and that this was only a short time before they met away from school premises on or around 22 July 2016. Given the content of the inscription and the fact that the school term would have ended, the panel was not persuaded that the meeting was solely of an academic nature. The panel was of the view that the meeting was to continue the relationship between Mr Harrison and Pupil A.

The panel concluded, on the balance of probabilities, that, by meeting Pupil A away from school premises on or around 22 July 2016, Mr Harrison was developing or engaging in an inappropriate relationship with her.

The panel found allegation 1f proven.

- g. attempted to kiss her on or around 22 July 2016;**
- h. met her 1-to-1 at your home on one or more occasions commencing from in or around July 2016;**
- i. kissed her on one or more occasions commencing from in or around July 2016; and**
- j. engaged in sexual activity with her commencing from in or around August 2016.**

The panel considered the witness statement Pupil A provided to Northumbria Police and noted the following passage:

“I met up in town with Mr Harrison for the first time 22/07/16... Mr Harrison tried to kiss me but I pulled away. I thought we were just friends. A week later I went to Mr Harrison’s home... we watched a film and kissed. At the beginning of August 2016, I went to his house again and we watched a film. We went upstairs and had consensual sex. It felt wrong as I knew we shouldn’t be doing it because he was a teacher but I trusted him. Between August 2016 and 4th September 2016 we had consensual sex 6 times...”

In Mr Harrison's witness statement, he stated that there was no attempt at kissing, sexual activity, inappropriate comments or grooming of Pupil A.

Witness B told the panel that she met Pupil A after her [REDACTED] birthday and Pupil A confided in her. Pupil A told Witness B that she got close to Mr Harrison whilst she was at School A and dated him.

Witness B told the panel that Pupil A had made remarks which led her to believe their relationship had been sexual. Witness B did not ask any questions about this as she found it an uncomfortable conversation.

Witness B also told the panel that, after Pupil A had left School A, she had seen pictures on Pupil A's open social media account of Pupil A and Mr Harrison engaging in activities such as having meals, going on bike rides and going to the cinema. This led her to believe Mr Harrison and Pupil A were dating. However she said the pictures did not depict Mr Harrison and Pupil A kissing or with their arms around one another.

The evidence before the panel indicated that Mr Harrison had engaged in an inappropriate relationship with Pupil A in some form and at some stage. However, the panel was not provided with sufficient evidence in respect of allegations 1g to 1j to indicate that the conduct had taken place as alleged. In particular, the panel was not provided with clear evidence as to exactly when and how the relationship began, the length of time it continued or the exact nature of the relationship.

The panel took Pupil A's police statement into account but was mindful that it was not contemporaneous and was given some 3 years later. Without the benefit of hearing from Mr Harrison or Pupil A, and in the absence of any clear supporting evidence in respect of the nature of their relationship, the panel did not find allegations 1g to 1j proven on the balance of probabilities.

The panel found allegations 1(g) to 1(j) not proven.

2. Your conduct, as may be found proven, at Allegation 1 above was not withstanding that Pupil A was a vulnerable pupil, in particular that she had been bullied whilst attending School A.

The panel considered the witness statement Pupil A provided to Northumbria Police and noted that Pupil A referred to bullying:

"During this time I was being subjected to bullying..." and "Initially I thought his intentions were good as he was supporting me with my studying and bullying."

In Mr Harrison's witness statement, he stated that he was unaware Pupil A had been bullied or that she was vulnerable. He had access to pastoral information during his time at school but stated there was no evidence to indicate Pupil A was classed as vulnerable.

The panel heard oral evidence from Witness B who was Pupil A's [REDACTED]. The panel asked Witness B whether Pupil A had been bullied at School A and whether she was a vulnerable pupil. Witness B told the panel that Pupil A had some friendship conflicts and there were some investigations into bullying incidents, but she would not class Pupil A as "vulnerable".

Whilst there was evidence to suggest Pupil A had been bullied whilst at School A, there was not sufficient evidence before the panel to indicate that Pupil A was a vulnerable pupil.

The panel found allegation 2 not proven.

3. Your conduct, as may be found proven, at Allegation 1 above was sexually motivated.

The panel's attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel noted that in *Basson* it was stated that "A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship". The panel further considered that in *Haris*, the High Court indicated that the criteria in *Basson* sets the bar too high. Foster J stated:

"in the present case it is in my judgement clear beyond argument that the intimate touching of Patients A and B was sexual and that answering a question as to the motivation of the toucher, the only available answer, is yes, the motivation must have been sexual[...]"

"Of course, there are significant differences in the context and the analogy is not exact, but it does seem to me that pleading 'sexual motivation' is unhelpful. Similarly to look for 'sexual gratification' may be misleading or overcomplicating. It is irrelevant to the actions which the GMC would wish to proscribe whether or not the perpetrator was sexually 'gratified' at all – whether before, after or during the act in question. Gratification, as with 'pursuit of a relationship' are, pace the analysis of Mostyn J in Basson, not helpful in my judgement in promoting the public interests at stake here. These criteria set the bar too high and I respectfully disagree that they represent the law".

"Had the touching been pleaded as being 'sexual' and had the Tribunal asked themselves whether in all the circumstances, which includes the absence of accident[...] absence of consent [...] and any other clinical or other proper justification [...] then it seems to me impossible they would have reached any conclusion other than that the touching was sexual".

On examination of the documents before the panel and consideration of the wider documentary and oral evidence, the panel determined there was not sufficient evidence to conclude that Mr Harrison's conduct as found proven at allegations 1c, 1e and 1f was sexually motivated.

The panel found allegation 3 not proven.

4. Whilst employed as a teacher at 'School B';

- a. during a meeting with School B, on or around 13 September 2017, you informed School B:**
 - i. that you knew Pupil A through her family and had never directly taught her when in fact you had taught her at School A;**
 - ii. your relationship with Pupil A had taken place after you had left the school when in fact:**
 - 1. your conduct, as may be found proven, at Allegations 1(a)-(i) was prior to your last day working at School A; and/or**
 - 2. your conduct, as may be found proven, at Allegation 1(a)-(j) was whilst you were still contracted to with School A;**

The panel was provided with minutes of an informal meeting which took place on 13 September 2017. The meeting was attended by Mr Harrison, Witness D, and Individual E.

The minutes indicated that Mr Harrison said the following:

- *"Yes, it was a previous relationship, it no longer exists. We knew each other through family, I didn't directly teach her... it has ended anyway."*
- *"I knew her through family, it was not an abuse of position it was after I left"*
- *"Yes, knew each other through family friends. She had left school. I left. There was a relationship afterwards for a few months. Then it ended."*
- *"It's a bit blurred. At the point where she would have left, results-wise. She left in the April. We had a relationship of a type before that, friendship, they were family friends, I tutored, then started to get invited for tea, it grew from there. She was, in a way, still at school, but was on exam leave, the twilight of her time at Burnside. She was 18, her birthday was [REDACTED]."*

The panel noted Witness A's evidence that Mr Harrison remained employed by School A until 31 August 2016. The panel also noted timetables appended to Witness A's

statement which demonstrated that, whilst at School A, Mr Harrison taught Pupil A from [REDACTED] and therefore taught her whilst she was in years [REDACTED]. Witness B also confirmed that Mr Harrison taught Pupil A whilst at School A.

In his witness statement, Mr Harrison appeared to challenge the reliability of the meeting minutes. The panel noted that the minutes of the meeting were typed and were not signed by Mr Harrison. In her oral evidence Witness D informed the panel that the minutes would have been typed up shortly after the meeting and sent to Mr Harrison for comment. During his oral evidence, Witness C told the panel that he met with Mr Harrison on 27 September 2017 and during that meeting he discussed the factual accuracy of the minutes of the 13 September 2017 meeting with Mr Harrison, who did not raise any issues. This was supported by the notes of Witness C's meeting with Mr Harrison on 27 September 2017. The panel was therefore satisfied that the minutes were accurate.

Mr Harrison also referred to the fact that he had no prior warning of the meeting on 13 September 2017 or of the allegations and, as such, did not have time to prepare or seek advice. He accepted that some of his answers were unclear because he had not had time to recall and analyse the dates and facts; it was not an attempt to mislead School B. Mr Harrison admitted in his witness statement that he did teach Pupil A but maintained it was much later.

Mr Harrison also stated that he was not offered the right to have a companion in support at the meeting. However, the meeting minutes indicate that he was given the opportunity to postpone the meeting until he had a colleague with him: *"Before I go on, are you happy to continue or would you rather postpone until you have a colleague with you?"*

The panel concluded that, during the meeting on 13 September 2017, Mr Harrison informed School B that he knew Pupil A through her family and had never directly taught her, when in fact he had taught her at School A.

The panel concluded that Mr Harrison also informed School B that his relationship with Pupil A had taken place after he left School A when, in fact:

- his conduct at allegations 1c and 1e took place prior to his last working day at School A; and
- his conduct at allegation 1f took place whilst he was still contracted to School A.

The panel found allegations 4(a)(i) and (ii) proven.

- iii. that your relationship with Pupil A had lasted only a few months and/or had ended in or around the summer of 2016 when in fact your relationship with Pupil A had continued until approximately September 2017; and**

The panel considered the notes of the meeting on 13 September 2017. The minutes indicated that Mr Harrison said the following:

- *“Yes. It was short term and it ended, it had not manifested into anything longer term.”*
- *“Yes, knew each other through family friends. She had left school. I left. There was a relationship afterwards for a few months. Then it ended.”*
- *“It’s a bit blurred. At the point where she would have left, results-wise. She left in the April. We had a relationship of a type before that, friendship, they were family friends, I tutored, then started to get invited for tea, it grew from there. She was, in a way, still at school, but was on exam leave, the twilight of her time at Burnside. She was 18, her birthday was [REDACTED]”*

The panel was therefore satisfied that Mr Harrison had told Witness D that his relationship with Pupil A had lasted only a few months.

The panel noted that in Pupil A’s police statement she said: *“The relationship lasted between July 2016 and September 2017”*. Whilst the panel took this into account, the panel was unable to verify the timeline of Mr Harrison and Pupil A’s relationship from the other documents before it. As such, there was insufficient evidence before the panel to enable it to determine when the relationship ended or how long it lasted.

The panel found allegation 4(iii) not proven.

- iv. that you had elected, wholly or in part, not to disclose your relationship with Pupil A to the school as it had already ended when in fact your relationship with Pupil A had been ongoing whilst you were employed at the school;**

The panel considered the notes of the meeting on 13 September 2017. The minutes indicated that Mr Harrison said *“In hindsight I thought maybe I should tell you, but it was water under the bridge.”*

The panel was of the view that, in making this statement, Mr Harrison was giving School B the impression that the relationship had ended before he commenced employment with School B. As outlined above, there was not sufficient evidence before the panel for it to determine when the relationship ended or how long it lasted. However, the panel was comfortable that there was sufficient evidence to suggest that, at the very least, the relationship was ongoing when Mr Harrison commenced employment with School B in September 2016. This was in light of the fact that:

- Mr Harrison had given the personal inscription to Pupil A on/around 17 July 2016 and met her on/around 22 July 2016, both just a matter of weeks before he commenced employment with School B;
- Mr Harrison told Witness D that the relationship had continued for a few months; and
- in Mr Harrison’s witness statement, he said: *“The support I was giving Pupil A had largely been within the summer of 2016. There were various times after this where she did require my support, therefore I obliged...”*

The panel found allegation 4(iv) proven.

b. you failed to disclose to School B in or around September 2019:

- i. that letters had been disseminated in the community making serious allegations of a sexual nature against you; and/or**
- ii. that police were conducting a criminal investigation into your relationship with Pupil A.**

The panel was provided with minutes of an informal investigation meeting which took place on 4 September 2019 between Mr Harrison and Witness D.

The meeting was convened after School B received an anonymous letter which appeared to be from Pupil A. The letter contained serious allegations that Mr Harrison was a [REDACTED] who had groomed and [REDACTED] the author of the letter.

The minutes indicate as follows:

- Witness D asked Mr Harrison whether he was aware of the letter. Mr Harrison replied to say that he was aware of the letters and that he, his partner and his neighbours had received identical letters.
- Mr Harrison said: *“I was going to speak to you over the next few days about these letters.”*
- Mr Harrison said that he had gone to the police and Pupil A had [REDACTED] and had taken back all the allegations made in the letters.
- Mr Harrison confirmed that the police said it would be a “good idea” to tell School B about the letters and could not explain why he had not done so.
- When discussing the police investigation into both the anonymous letters and Mr Harrison’s relationship with Pupil A, Mr Harrison said that he did not inform the

senior management team of School B because “*It didn’t seem to be an immediate issue.*”

In his witness statement, Mr Harrison stated that he did not feel obliged to inform School B that there was a police investigation underway because it was his intention to deny any criminal allegation, and therefore he was not expecting to be cautioned or charged. He did not regard himself as being under an obligation to assist the school in building a case against him.

The panel therefore concluded that Mr Harrison failed to disclose to School B details of the anonymous letters or the police investigation.

The panel found allegations 4(b)(i)-(ii) proven.

5. Your conduct, as may be found proven, at Allegation 4 above lacked integrity and/or was dishonest.

The panel firstly considered whether Mr Harrison had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Mr Harrison had failed to act within the higher standards expected of a teacher in respect of his conduct as found proven at allegations 4a(i), 4a(ii), 4a(iv), 4b(i) and 4b(ii).

Mr Harrison had failed to act with integrity by failing to disclose accurate information regarding his relationship with Pupil A and the fact that he had taught her at School A. He also failed to act with integrity by failing to disclose the anonymous letters he, his partner and his neighbours had received and by failing to disclose the police investigation into his relationship with Pupil A.

The information about his relationship with Pupil A was relevant to School B, and would be relevant at any school, because teachers are placed in a position of trust. The anonymous letter should have been disclosed given that it had been disseminated into the wider community and, as such, may have adversely affected the school and its pupils. The police investigation into Mr Harrison’s relationship with Pupil A was clearly something that Mr Harrison should have disclosed to School B given the school’s obligation to safeguard pupils. Mr Harrison ought to have appreciated the need to disclose this information given his professional obligations as a teacher.

The panel then considered whether Mr Harrison had acted dishonestly in relation to the proven facts of allegation 4. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Harrison’s knowledge or belief as to the facts. Whilst the panel did not have the benefit of hearing oral evidence from Mr Harrison, it considered his witness statement and the wider evidence.

The panel concluded that Mr Harrison's conduct as described at allegations 4(a)(i) and 4(a)(ii) was dishonest; the information Mr Harrison gave to Witness D was untrue. The panel was not persuaded by Mr Harrison's suggestion that he did not do this to deliberately mislead School B, but because he had not had time to prepare for the meeting. Mr Harrison would have known that he taught Pupil A at School A and he would have known the length of their relationship, but he deliberately chose to provide Witness D with misleading information. The panel considered that Mr Harrison had been dishonest according to the standards of ordinary decent people.

The panel did not consider that Mr Harrison's conduct at 4a(iv), 4b(i) and 4b(ii) amounted to dishonesty.

The panel found allegation 5 proven in that Mr Harrison's conduct at allegations 4a(i), 4a(ii), 4a(iv), 4b(i) and 4b(ii) lacked integrity and his conduct at allegations 4(a)(i) and 4(a)(ii) was dishonest.

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

Having found a number of 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 Harrison, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Harrison 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that Mr Harrison's conduct at allegations 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5 amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Whilst the panel considered that Mr Harrison's conduct at allegation 1c was unprofessional, it did not consider it was serious enough to amount to misconduct which fell significantly short of the standards expected of the profession.

The panel noted that some of the alleged conduct took place outside the education setting. However, the panel was satisfied that Mr Harrison's conduct was relevant to and touched upon his profession as a teacher as Pupil A was a pupil of his.

Accordingly, the panel was satisfied that Mr Harrison was guilty of unacceptable professional conduct in respect of allegations 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5.

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 that they behave.

The findings of misconduct at allegations 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5 are serious, and the conduct displayed would be likely to have a negative impact on Mr Harrison's status as a teacher, potentially damaging the public perception of the profession.

Again, although Mr Harrison's conduct at allegation 1c was unprofessional, the panel did not consider it sufficiently serious to amount to conduct that may bring the profession into disrepute.

The panel therefore found that Mr Harrison's actions as set out at allegations 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5 constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1c, 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5 proved, the panel further found that Mr Harrison's conduct at allegations 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5 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 and 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 was 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 public interest considerations set out in the Advice and found them all to be relevant: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel's findings against Mr Harrison involved: engaging in and/or developing an inappropriate relationship with Pupil A; a failure to disclose an anonymous letter containing serious allegations against him; a failure to disclose a criminal investigation into his relationship with Pupil A; a failure to act with integrity; and dishonesty. The panel was of the view that there was a strong public interest consideration in respect of the protection of pupils.

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Harrison. 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 Mr Harrison. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- 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);
- 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;

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 concluded that Mr Harrison's actions were deliberate.

There was no evidence before the panel to suggest that Mr Harrison was acting under extreme duress.

The evidence before the panel did not indicate that Mr Harrison demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

Mr Harrison submitted character references from Individual A; Individual B; Individual C; and Individual D. The references contained positive comments in respect of Mr Harrison's character and, in the case of Individual B, in respect of his teaching. The references were largely from individuals who knew Mr Harrison in a personal capacity and who did not know him at the time the misconduct occurred. Whilst the panel took these references into account it did not find them to be compelling.

Other than the character references, Mr Harrison did not submit any mitigation evidence, nor did he submit any evidence that demonstrated insight or remorse in respect of his conduct. Mr Harrison did not attend the hearing and the panel was therefore unable to examine the extent to which Mr Harrison demonstrated insight or remorse in respect of his conduct.

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 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 Harrison 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 Harrison.

The following were significant factors in forming that opinion: Mr Harrison had engaged in and/or developed an inappropriate relationship with a pupil; he failed to disclose serious and important matters, namely the anonymous letter and criminal investigation; demonstrated a lack of integrity; and acted dishonestly to serve his own interests.

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 panel considered paragraph 50 of the Advice which sets out a list of behaviours that, if proved, would weigh in favour of not offering a review period. The panel did not find any of these behaviours to be relevant.

The panel considered paragraph 51 of the Advice which sets out a list of behaviours that, if proved, would weigh in favour of a longer period before a review is considered appropriate. The panel did not find any of these behaviours to be relevant. Whilst Mr Harrison had been dishonest, the panel considered that his conduct fell at the less serious end of the spectrum.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 3 years. The panel considered that this should be a sufficient period of time to enable Mr Harrison to reflect on his conduct, consider the matters of insight and remorse and the impact his inappropriate relationship had on Pupil A.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven, including 1 c, 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5. The panel has found that the conduct at allegations 1e, 1f, 4a(i), 4a(ii), 4a(iv), 4b(i), 4b(ii) and 5 amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Lloyd Harrison should be the subject of a prohibition order, with a review period of 3 years.

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

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

The panel finds that the conduct of Mr Harrison fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of engaging in and/or developing an inappropriate relationship with a pupil and a failure to act with integrity, behaviour found to be dishonest.

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 Harrison, 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 and/or safeguard pupils. The panel has observed, "The panel's findings against Mr Harrison involved: engaging in and/or developing an inappropriate relationship with Pupil A; a failure to disclose an anonymous letter containing serious allegations against him; a failure to disclose a criminal investigation into his relationship with Pupil A; a failure to act with integrity; and dishonesty. The panel was of the view that there was a strong public interest consideration in respect of the protection of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Other than the character references, Mr Harrison did not submit any mitigation evidence, nor did he submit any evidence that demonstrated insight or remorse in respect of his conduct. Mr Harrison did not attend the hearing and the panel was therefore unable to examine the extent to which Mr Harrison demonstrated insight or remorse in respect of his conduct." In my judgement, the lack of evidence of insight or remorse 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Harrison was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of developing an inappropriate relationship with a pupil, lack of integrity and dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, 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 Harrison himself and the panel comment "Mr Harrison submitted character references from Individual A; Individual

B; Individual C; and Individual D. The references contained positive comments in respect of Mr Harrison's character and, in the case of Individual C, in respect of his teaching. The references were largely from individuals who knew Mr Harrison in a personal capacity and who did not know him at the time the misconduct occurred. Whilst the panel took these references into account it did not find them to be compelling."

A prohibition order would prevent Mr Harrison 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 comment "Mr Harrison had engaged in and/or developed an inappropriate relationship with a pupil; he failed to disclose serious and important matters, namely the anonymous letter and criminal investigation; demonstrated a lack of integrity; and acted dishonestly to serve his own interests."

I have also placed considerable weight on the following "The panel had regard to the public interest considerations set out in the Advice and found them all to be relevant: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict."

The evidence before the panel did not indicate that Mr Harrison demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Harrison has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by evidence of remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3 year review period.

I have considered the panel's comments "The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 3 years. The panel considered that

this should be a sufficient period of time to enable Mr Harrison to reflect on his conduct, consider the matters of insight and remorse and the impact his inappropriate relationship had on Pupil A.”

In this case, factors mean that allowing a lesser 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 an inappropriate relationship with a pupil and the lack of either insight or remorse.

I consider therefore that a 3 year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Lloyd Harrison is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 07 September 2026, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Harrison remains prohibited from teaching indefinitely.

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

Mr Harrison 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 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 1 September 2023

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