



Teaching
Regulation
Agency

Mr Callum Hatch: Professional conduct panel outcome

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

October 2023

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

Teacher:	Mr Callum Hatch
Teacher ref number:	1936786
Teacher date of birth:	23/03/1998
TRA reference:	0021060
Date of determination:	10 October 2023
Former employer:	Abbey College, Ramsey

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 to 10 October 2023 by virtual means, to consider the case of Mr Callum Hatch.

The panel members were Mrs Bev Williams (teacher panellist – in the chair), Mr Peter Ward (lay panellist) and Mrs Kate Charles (lay panellist).

The legal adviser to the panel was Miss Shanie Probert of Eversheds Sutherland (International) LLP solicitors.

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

Mr Hatch was present and was represented by Mr Kim Vollerthun of NASUWT.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 10 July 2023.

It was alleged that Mr Hatch was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a Teacher at Abbey College:

1. Between approximately October 2021 and June 2022, he failed to maintain appropriate boundaries with pupils and/or former pupils in that he;
 - a. Exchanged messages with Pupil D on Instagram which included the following;
 - i) “I can drive so I’m happy to pick you up if that’s ok with you”;
 - ii) “You could come over to mine and I could show you some anime”;
 - iii) “Sex is hyped up a lot especially when you are young so it is good if you can finally do it”;
 - iv) “The first girl I was with was just a random girl from a nightclub and I was drunk so it was awful”;
 - v) “People seeing you naked can be embarrassing but I’m sure you have a great body so there is nothing to be embarrassed about”;
 - vi) “You’d look great in anything, you are a beautiful girl”.
 - b. Followed Pupil A on Instagram and/or liked her photographs.
2. His conduct at paragraphs 1a)i) – 1a)vi) above was sexually motivated.

Mr Hatch admitted the particulars of allegation 1 (a) and (b) in their entirety. However, allegation 2 was not admitted.

Mr Hatch did not address whether or not his conduct as alleged at allegations 1 (a) and (b) amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, and therefore this was not admitted.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6

Section 2: Notice of hearing and response – pages 7 to 15

Section 3: Teaching Regulation Agency witness statements – pages 16 to 26

Section 4: Teaching Regulation Agency documents – pages 27 to 218

Section 5: Teacher documents – pages 219 to 228

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

Witnesses

The panel heard oral evidence from:

1. Witness A – (REDACTED) at Abbey College; and
2. Witness B – (REDACTED) at Abbey College.

These witnesses were called by the presenting officer.

The panel also heard oral evidence from the teacher at the hearing.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2020, Mr Hatch commenced his employment at Abbey College (“the College”) as a Teacher.

On 19 April 2022, Mr Hatch resigned from the College and he was due to leave the College on 31 August 2022.

On 16 June 2022, concerns were raised by Pupils A, B and C regarding Mr Hatch allegedly interacting with pupils via social media. On 16 June, the College referred these concerns to the Local Authority Designated Officer (“LADO”).

On 19 June 2022, the College commenced its investigation and appointed an Investigating Officer. On 20 June 2022, interviews were conducted with Pupils A and B. On 23 June 2022, an interview was conducted with Pupil D, where Pupil D provided screenshots of conversations with Mr Hatch via Instagram. Following this interview, the College made a second referral to the LADO.

On 24 June 2022, the LADO confirmed that the Police would not be taking any further action as Pupil D was aged 16 when the contact with Mr Hatch began.

Mr Hatch was suspended with immediate effect on 24 June 2022.

On 14 July 2022, Witness A was appointed the new Investigating Officer, as the previous Investigating Officer was on a period of sick leave. On 15 July 2022, an investigatory meeting took place at the College. A disciplinary hearing took place on 25 August 2022.

On 2 September 2022, Mr Hatch was referred to the TRA.

Findings of fact

The findings of fact are as follows:

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

- 1. Between approximately October 2021 and June 2022, you failed to maintain appropriate boundaries with pupils and/or former pupils in that you;**
 - a. Exchanged messages with Pupil D on Instagram which included the following;**
 - i) “I can drive so I’m happy to pick you up if that’s okay with you”;**
 - ii) “You could come over to mine and I could show you some anime”;**
 - iii) “Sex is hyped up a lot especially when you are young so it is good if you can finally do it”;**
 - iv) “The first girl I was with was just a random girl from a nightclub and I was drunk so it was awful”;**
 - v) “People seeing you naked can be embarrassing but I’m sure you have a great body so there is nothing to be embarrassed about”;**
 - vi) “You’d look great in anything, you are a beautiful girl”.**

The panel noted that these particulars were admitted by Mr Hatch in their entirety.

The panel also took into account evidence from Witness A, who was appointed Investigating Officer on 14 July 2022. The panel noted that it was the initial Investigating Officer that had originally undertaken the investigation and had completed the main bulk of the investigation report, but that it was Witness A who had finalised the report using the evidence that had previously been collected.

In her witness statement, Witness A stated that the concerns in respect of Pupil D first came to light on 16 June 2022, when Pupils A, B and C had made a disclosure to the Head

of Sixth Form and raised concerns about Mr Hatch's behaviour. During this disclosure, Pupils A, B and C had also raised separate concerns about a rumour that Mr Hatch had been messaging a former student, Pupil D.

Witness A stated that at the time of the investigation, Pupil D was not a student at the College, as she had left in October 2021, but had returned to the College to re-take her GCSE exams as an external candidate. Witness A also confirmed that Pupil D was never taught by Mr Hatch, although Witness A did not know if Mr Hatch was ever Pupil D's form tutor, nor if Pupil D attended extra-curricular activities with Mr Hatch.

As part of an investigation into the concerns raised by Pupils A, B and C, Pupil D was interviewed by Witness B on 23 June 2022, after she had returned to the College to re-sit an exam. Witness A confirmed that due to Pupil D's vulnerabilities, in particular that she suffered from (REDACTED), and the sensitive nature of the allegations, it was agreed that it would be more appropriate for Pupil D to be interviewed by Witness B, who was a (REDACTED) and had experience in interviewing vulnerable students.

The panel had sight of the interview notes of Pupil D that were in the bundle. These notes were not signed by Pupil D. However, the panel heard from Witness B that Pupil D did receive a copy of her interview notes following the interview, and that she had confirmed that these notes were accurate and true. The panel also noted that details of this interview were also set out by Witnesses A and B in their written statements.

Whilst the panel noted that the evidence of Pupil D's interview was hearsay, the panel also considered that: (i) the hearsay evidence was relevant to the allegations in respect of Pupil D, (ii) it was standard practice for Pupil D not to be called as a witness at the hearing and therefore there was a good reason for her non-attendance, and (iii) there was plenty of evidence in the bundle to support the statements made by Pupil D in her interview, such as direct evidence of the Instagram messages that were exchanged, so that the panel was able to properly test the evidence before it. Therefore, the panel decided to admit the evidence as hearsay and to apply the appropriate weight to it.

During her interview with Witness B, Pupil D confirmed that her contact with Mr Hatch had started in October 2021, whilst she was a pupil at the College. The panel heard how Mr Hatch was not teaching at the College at the time, as he had been suspended from July 2021 until February 2022, in relation to a separate and unrelated incident.

Pupil D also described how she had first seen Mr Hatch's Instagram page after her friend had found it. Pupil D then messaged Mr Hatch, following which, he requested to follow her. Pupil D stated that after they had begun messaging each other, she had asked Mr Hatch if it was wrong and Mr Hatch had said "possibly" but that it "would be fine" and that "seven years is not a big age gap." Witness B stated that Pupil D expressed that she thought it was "weird", but continued to message Mr Hatch as he had said it was fine.

Pupil D also told Witness B that Mr Hatch had messaged Pupil D after she had attended the College to retake a GCSE exam, and had told her that he had seen her at the College and had recognised her from her outline on her profile photo.

Pupil D also stated that Mr Hatch had messaged her about meeting up and driving her places. In particular, Mr Hatch had invited Pupil D to go to Cambridge for a walk together. Mr Hatch also invited Pupil D to his house. However, Pupil D confirmed that she had never met up with Mr Hatch outside of the College.

Pupil D stated that Mr Hatch would also send her compliments and that on one occasion, she had sent Mr Hatch a photograph of her in a tight dress, and Mr Hatch stated that she had a nice body. Witness A stated that she had reviewed the text messages, which had included Mr Hatch discussing his sexual experiences, and Mr Hatch giving Pupil D compliments, such as calling her beautiful. Witness A confirmed that she found these messages to be of a sexual nature.

Pupil D told Witness B that the conversation with Mr Hatch was initially friendly, but that he had then begun to talk about sex. For example, he had talked about his own first sexual experience. Pupil D stated that at this point, she decided to “block” Mr Hatch as she felt their conversation had become “weird”. However, Pupil D confirmed that she had “unblocked” him in or around April 2022, and that Mr Hatch began messaging her again.

Witness B stated that Pupil D was already known to her, as she had previously provided support with regards to Pupil D’s (REDACTED) when Pupil D was a student at the College. In particular, Witness B described how Pupil D was very vulnerable, namely, there were significant concerns about her (REDACTED). Witness B stated that due to Pupil D’s vulnerabilities, she found the text messages to be particularly concerning, as Pupil D would also (REDACTED).

Witness B described how she had told Pupil D that Mr Hatch’s messages were inappropriate. Witness B also informed Pupil D that she had done nothing wrong and advised her to “block” Mr Hatch. Witness B also stated that Pupil D had regularly emailed her for updates on the investigation and that she wanted to further discuss why the messages were inappropriate. Witness B confirmed that she met with Pupil D on or around 1 July 2022, for approximately one hour, where she explained to Pupil D why it was inappropriate for staff members to communicate with her outside of school, especially if those messages were of a sexual nature.

After her interview, Pupil D had sent numerous emails to Witness B. One of those emails stated: *“Do you think he thought I would be an easy target because of (REDACTED) only because it’s something my mum mentioned and he has asked in the past (REDACTED) or had stuff going on it would be easier because I would be vulnerable.”*

The panel also had sight of the screenshots that were taken of the text messages sent by Mr Hatch to Pupil D, which included the following:

- 1) A message on 7 June which included: "... the first girl I was with was just a random girl from a nightclub and I was drunk so it was awful";
- 2) A further message on 7 June which included: "... sex is hyped up a lot especially when you are young so it is good if you can finally do it" and "People seeing you naked can be embarrassing but I'm sure you have a great body so there is nothing to be embarrassed about";
- 3) A message which included: "You'd look great in anything, you are a beautiful girl!"; and
- 4) A message which included: "I can drive so I'm happy to pick you up if that's ok with you?" and "You could come over to mine and I could show you some anime?".

Witness A confirmed that the messages shown in the screenshots are dated 14 January, 7 June, 10 June and 11 June. Witness A also explained that when the screenshots were taken, it was confirmed to her that these messages were sent in 2022.

Mr Hatch accepted that he sent those messages to Pupil D and that in doing so, he failed to maintain appropriate professional boundaries.

In his written statement, Mr Hatch stated that initially when Pupil D had messaged him, he was not aware that she was a former pupil at the College, as he did not recognise the name. Mr Hatch also stated that in or around November 2021, he realised that the conversation was inappropriate, and he informed Pupil D of this, before he stopped speaking to her for a while. However, the panel noted that it was Pupil D who had blocked Mr Hatch and that Mr Hatch had started to message her again in or around April 2022.

At the hearing, Mr Hatch accepted that the messages were inappropriate, particularly given his position as a teacher (notwithstanding that he was suspended) and that he knew he should not talk about those things with a 17 year old girl. However, Mr Hatch stated that he was "curious" when Pupil D had started to message him, as it was rare for girls to message him out of the blue and he wanted to find out who she was. Mr Hatch also accepted that it was inappropriate for him to continue talking to Pupil D once he realised that she was a former student.

Taking into account Mr Hatch's admission together with the evidence set out above, the panel found the particulars of the allegation proven in their entirety.

b. Followed Pupil A on Instagram and/or liked her photographs.

The panel noted that the particular of the allegation was admitted by Mr Hatch.

The panel also considered the witness evidence of Witness A. Witness A described Pupil A as having (REDACTED) issues. Witness A also stated that Pupil A was never taught history by Mr Hatch, however, she does not know if Mr Hatch was ever her form tutor nor if Pupil A attended extra-curricular activities with Mr Hatch.

The panel had sight of the interview notes of Pupil A that were in the bundle. These notes were not signed by Pupil A. Witness A also could not confirm whether or not the interview notes were sent to Pupil A to confirm their accuracy following the interview. The panel noted that details of the interview were set out in Witness A's witness statement. However, the panel also noted that it was the initial Investigating Officer, and not Witness A, who had interviewed Pupil A as part of the College's investigation.

Whilst the panel noted that the evidence of Pupil A's interview was hearsay, the panel considered that: (i) the evidence was relevant to the allegations in respect of Pupil A, (ii) it was standard practice for Pupil A not to be called as a witness at the hearing and therefore there was a good reason for her non-attendance, and (iii) there was plenty of evidence in the bundle to support the statements made by Pupil A in her interview, such as screenshots from her Instagram account to support the allegation, so that the panel was able to properly test the evidence before it. Therefore, the panel decided to admit the evidence as hearsay and to apply the appropriate weight to it.

Witness A stated that Pupil A confirmed that it was around the time of Mr Hatch's return from his first suspension (regarding the unrelated and separate incident) in February 2022 that Mr Hatch had followed her on Instagram.

Pupil A also stated that Mr Hatch had covered her (REDACTED) lesson, and that three or four days later, she was followed by someone on Instagram with an account name of (REDACTED).

Pupil A stated that her Instagram did not have privacy settings activated, which meant that anyone could view her profile, but that Mr Hatch had privacy settings on his account. Pupil A confirmed that she requested to follow Mr Hatch's Instagram account, and Mr Hatch approved this follow request. In her interview, Pupil A stated that her Instagram account does not use her name from school, so she thought it was "weird" that Mr Hatch was able to find her account.

Pupil A also stated that she had posted a picture of herself on her Instagram story, and it had showed that an account under the name of (REDACTED) had "liked" the post. Pupil A stated that Mr Hatch had changed his Instagram account name from (REDACTED) to (REDACTED).

As set out in both the interview notes and Witness A's statement, Pupil A confirmed to the initial Investigating Officer that Mr Hatch had "liked" approximately eight photos of herself that had been posted to her Instagram story, and had since been pinned to her profile. In particular, one of the photos had a caption that said "Sweet 16".

The panel had sight of a screenshot from Pupil A's Instagram account, which showed that an account under the name of Callum Hatch had liked one of Pupil A's Instagram posts, and had also liked one of her Instagram story posts.

During the interview, the previous Investigating Officer had suggested to Pupil A that she unfollowed Mr Hatch that day. In the afternoon of 20 June 2022, Pupil A returned to the previous Investigating Officer's office and explained that she had gone to unfollow Mr Hatch that day, but that she could see that Mr Hatch had unfollowed her.

The panel considered the evidence of Mr Hatch. Mr Hatch stated that (REDACTED) is not and has never been his Instagram account name. The panel also had sight of a screenshot provided by Mr Hatch, which shows his Instagram account history. Mr Hatch stated that if he had changed the name of his account, it would appear within the account history, but as there is no reference to the change of an account name, he cannot have changed his account name. Mr Hatch therefore accused Pupil A of being untruthful about the change of the account name to (REDACTED).

Mr Hatch admitted that he did follow Pupil A on Instagram, but that this was much later than stated by Pupil A and was only for a brief period. Mr Hatch explained that he followed Pupil A in "early June", as her account had appeared as a recommended account because he had previously followed Pupil D. Mr Hatch stated that he "had no idea" that Pupil A was a student as the account name used was not her real name and her pictures were "heavily edited", which is why he accepted her follow request.

Mr Hatch also stated that after following Pupil A on Instagram, he had looked through her profile and had realised that she was a student as there was a photo of her with a teacher from the College and also photos of her in her school uniform. Mr Hatch stated that after seeing these photos, he "unliked" the photos, unfollowed Pupil A, and removed her from following him. Mr Hatch also stated that he had never messaged Pupil A or communicated with her outside of the College.

Whilst the panel considered that there were differing accounts from both Pupil A and Mr Hatch in respect of the Instagram account name and whether or not this was changed by Mr Hatch, the panel noted that Mr Hatch had accepted that he did follow Pupil A on Instagram and did "like" her Instagram posts. Mr Hatch also accepted that in doing so, he failed to maintain appropriate professional boundaries.

Taking into account Mr Hatch's admission together with the evidence set out above, the panel found the particular of the allegation proven.

2. Your conduct at paragraphs 1a)i) – 1a)vi) above was sexually motivated.

The panel noted that Mr Hatch denied that his conduct was sexually motivated. In particular, Mr Hatch stated that he had no sexual intention or desire towards Pupil D. Mr Hatch also stated that he had only discussed sex with Pupil D after she had brought it up, and that he had only told of his own experiences. Mr Hatch stated that there was no suggestion of wanting to have sex with her.

The panel noted that Mr Hatch would give compliments to Pupil D, such as saying that she was beautiful or that she had a nice body. Mr Hatch stated that he would only give those

compliments in order to boost Pupil D's confidence, as she had told him that she suffered from (REDACTED). Mr Hatch stated that he was only trying to help Pupil D feel better about herself as she had a tendency to be self-deprecating and he wanted her to see a different perspective. Mr Hatch stated that he was not sexually attracted to Pupil D in any way and that none of his messages were sexually motivated.

The panel also noted that Mr Hatch had asked Pupil D to go for a walk together in Cambridge, or otherwise for Pupil D to go to his home. Mr Hatch explained that there was no sexual motivation behind his invitation for Pupil D to go to his home, and that he simply offered it as an alternative to going for a walk in case Pupil D felt anxious or uncomfortable. However, the panel also noted that in his witness statement, Mr Hatch acknowledged that inviting Pupil D over to his home was inappropriate.

When explaining why he had first responded to Pupil D's messages, Mr Hatch stated that it was rare for girls to message him out of the blue and therefore when this occurred generally, he would reply to them. Mr Hatch stated that he did this only as he was curious to find out more about them and who they were. However, the panel could not see how there would be any other intention for Mr Hatch's behaviour in this regard, other than an intention to commence a relationship of a sexual nature. The panel also felt that this would have been the case when Mr Hatch had responded to Pupil D.

The panel considered the specific messages sent by Mr Hatch to Pupil D, and in doing so, took into account the case of *GMC v Haris* [2020] EWHC 2518. In particular, the panel considered whether it was more likely than not, looking at the overall material before it, Mr Hatch's motivation was sexual. The panel found that the content of Mr Hatch's messages, taken altogether, centred on implications in terms of sexual behaviour. For example, the panel noted that the message: *"I can drive so I'm happy to pick you up if that's ok with you?"* did not appear to be of a sexual nature when taken in isolation. However, the panel found that if you take this message, together with the other comments made by Mr Hatch, such as; Mr Hatch inviting Pupil D to his home, Mr Hatch describing his own sexual experiences, Mr Hatch making comments about Pupil D's body and other people seeing Pupil D naked, overall these are wholly of a sexual nature.

The panel were of the view that Mr Hatch's purpose behind sending those messages to Pupil D was sexual, in the hope that by having a response from those messages, he may have put himself in a position whereby he could have engaged in sexual activity with Pupil D or gone on to form a relationship with Pupil D for that purpose.

The panel did not accept Mr Hatch's explanation for the messages that were sent to Pupil D, and in the absence of any other reasonable explanation, the panel were of the view that there could be no other motivation for his conduct other than a sexual one.

The panel found this allegation proven.

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 Hatch, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Hatch was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...

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 the conduct of Mr Hatch, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that there was overwhelming evidence to show that Mr Hatch had failed to safeguard and promote the welfare of children (namely Pupils A and D), and that he was in fact posing a risk to them by sending inappropriate messages to Pupil D and following Pupil A on Instagram. The panel noted that the KCSIE guidance applies to children, which includes “everyone under the age of 18”.

The panel was satisfied that the conduct of Mr Hatch fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Hatch’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offences of sexual activity and sexual communication with a child were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting. However, the panel also noted that Mr Hatch was still a Teacher (notwithstanding his suspension from July 2021 until February 2022) at the time of his conduct, and his conduct in sending inappropriate messages to a former pupil and following a current pupil on social media, had exposed both Pupils A and D to harmful behaviour. In addition, the panel noted that there were other pupils who were aware of Mr Hatch's communications with Pupil D (Pupils A, B and C) and therefore considered that Mr Hatch's conduct had also led to other pupils to be exposed to his behaviour in a harmful way.

The panel also took into account the evidence provided by Mr Hatch as to the circumstances in which he found himself at the time of the conduct. In particular, Mr Hatch stated that he had not received any updated safeguarding training upon his return to work following his period of suspension, and so he had no proper knowledge of the College's safeguarding processes. Mr Hatch also stated that his training year was heavily curtailed by the Covid-19 pandemic and that part of his teaching during his NQT year had taken place online.

The panel heard evidence from Witness A, who confirmed that members of staff would have received safeguarding training every year in September. Witness B also confirmed that if staff were not available for that training session, then staff would attend a "mop up" session to ensure all staff were up to date. Mr Hatch stated that he had missed the annual safeguarding session in September 2021, as he was suspended from the College, and that he did not receive a "mop up" training session. Both Witnesses A and B were unable to confirm whether or not Mr Hatch did definitely undertake any updated safeguarding training upon his return from suspension.

However, the panel heard from Witness A how the staff members would also have had sight of the College's Safeguarding Policy, and that the College provided weekly safeguarding updates via the weekly bulletin. The panel also heard how all staff members would have read the College's Code of Conduct, and that Mr Hatch had also confirmed that he had read this in his training record. The panel noted that the Code of Conduct contained relevant sections, that Mr Hatch would have seen, which referred to adults not; having "*any form of communication with a child, which could be interpreted as sexually suggestive or provocative*", discussing "*their own sexual relationships*" and having "*online friendships with any young people under the age of 18.*"

The panel also noted that Mr Hatch admitted during his evidence that he had stopped speaking to Pupil D on Instagram when he had realised that it was inappropriate to be in contact with her. The panel determined he had known that this behaviour was inappropriate from his previous safeguarding training and/or access to the safeguarding policy and College's Code of Conduct.

Accordingly, the panel was satisfied that Mr Hatch was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel also considered whether Mr Hatch's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offences of sexual activity and sexual communication with a child were relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

Whilst it was noted that the misconduct took place outside of the school environment, the panel considered that the findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel also considered that Mr Hatch's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of the allegations proved, the panel further found that Mr Hatch's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Hatch 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 Hatch, which were that: (i) Mr Hatch failed to maintain appropriate boundaries by sending inappropriate messages to Pupil D on Instagram, (ii) Mr Hatch failed to maintain appropriate boundaries by following Pupil A on Instagram and liking her Instagram posts, and (iii) that Mr Hatch's conduct in messaging Pupil D was sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children.

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

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

The panel did not have sight of any evidence pertaining to Mr Hatch's ability as an educator nor was there any evidence to show that Mr Hatch had made an exceptional contribution to the teaching profession. Therefore, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Hatch in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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

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

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

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

abuse of position or trust (particularly involving vulnerable pupils)

an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;

sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

violation of the rights of pupils.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and/or whether there were mitigating circumstances.

Mr Hatch's actions were deliberate. There was no evidence to suggest that Mr Hatch was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel did not hear any evidence pertaining to Mr Hatch's character in order to determine whether or not the incident was out of character for Mr Hatch. The panel considered Mr Hatch's conduct to be calculated, particularly as he had started to message Pupil D again despite knowing that she was a former student at the College.

The panel considered the representations made by the teacher's representative. In particular, the panel heard how Mr Hatch had exhibited naivety as a newly qualified Teacher. The panel heard from Mr Hatch's representative that Mr Hatch had not received mandatory safeguarding training since returning from his suspension, despite this training having been highlighted by Witness A to be of paramount importance to all teaching staff. It was also asserted by Mr Hatch that he was not supported during or after his suspension, that he had no teaching member of staff to support him whilst he was suspended, and he did not receive any support with his reintegration as a teacher following his return to work.

However, the panel was of the view that whilst Mr Hatch was an inexperienced teacher, he was still a qualified one, and he would have known it was inappropriate to send messages to Pupil D on Instagram and to follow Pupil A on Instagram. In any event, as set out above, the panel were satisfied that Mr Hatch had accessed and signed a form to confirm that he had read the College's safeguarding policies and Code of Conduct, where it would have been clear to him that his conduct was unacceptable.

The panel found that Mr Hatch failed to show a level of insight and/or remorse. Whilst the panel noted that Mr Hatch had accepted that his conduct was inappropriate, the panel did not feel that Mr Hatch was sincerely remorseful or that he had understood the seriousness

of the matter. Whilst the panel also noted that Mr Hatch did state that he had regretted his actions, the panel felt that Mr Hatch had only considered the impact of the conduct on himself with regards to the position that he had found himself in. The panel found that Mr Hatch did not consider or address the impact of his conduct on Pupils A and D, nor did he offer any form of apology. The panel did not have any representations from Mr Hatch nor from his representative to demonstrate that Mr Hatch had a genuine insight into his behaviour. The panel also considered that Mr Hatch's behaviour throughout the hearing did not demonstrate any sign of insight or remorse.

Proportionality

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 a 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 Hatch 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 Hatch. The panel found that Mr Hatch had exhibited extremely harmful behaviour in engaging with children on social media, and Mr Hatch's inappropriate comments to Pupil D (which the panel found were sexually motivated) 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 serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons, and any sexual misconduct involving a child. In particular, the panel found that Mr Hatch was responsible for sending inappropriate messages to Pupil D via Instagram which were sexually motivated. Whilst the panel noted that the Police had not taken any further action against Mr Hatch, the panel did consider the comments made by the Police, namely that they had significant concerns as Mr Hatch's behaviour was "highly

predatory and wholly inappropriate.” Notwithstanding this, the panel had also formed its own view that the messages sent by Mr Hatch to Pupil D were an attempt by him to use his position of trust to sexually exploit Pupil D, who he had known to be a vulnerable young girl.

In terms of future behaviour, the panel noted that Mr Hatch had stated that he learnt his lesson and would inform his employer immediately if a student reached out to him or if he had accidentally followed a student on social media. Mr Hatch also stated that he would make himself aware of the correct procedures and undertake safeguarding training in the future. Mr Hatch also stated in his written statement that he would “never communicate with any child under 18 online ever again”. However, given the seriousness of the findings, the panel felt that Mr Hatch was a risk to pupils and as such it was not satisfied that there were any steps that Mr Hatch could take in order to show that he could address his behaviour.

The panel considered Mr Hatch’s level of insight and remorse to be low. Whilst Mr Hatch had accepted that his behaviour was inappropriate, Mr Hatch did not exhibit any sign of insight into the impact that this had on Pupils A and D, nor the impact that it would have on other pupils and the public as a whole. In light of Mr Hatch’s serious misconduct, together with Mr Hatch’s lack of insight and genuine remorse, the panel felt that there would be a continuing risk present if Mr Hatch was permitted to teach again.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...

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 the conduct of Mr Hatch, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of failing to maintain appropriate boundaries with pupils and conduct found to be sexually motivated.

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 Hatch, 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, "In the light of the panel's findings against Mr Hatch, which were that: (i) Mr Hatch failed to maintain appropriate boundaries by sending inappropriate messages to Pupil D on Instagram, (ii) Mr Hatch failed to maintain appropriate boundaries by following Pupil A on Instagram and liking her Instagram posts, and (iii) that Mr Hatch's conduct in messaging Pupil D was sexually motivated, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with

children.” 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 found that Mr Hatch failed to show a level of insight and/or remorse. Whilst the panel noted that Mr Hatch had accepted that his conduct was inappropriate, the panel did not feel that Mr Hatch was sincerely remorseful or that he had understood the seriousness of the matter. Whilst the panel also noted that Mr Hatch did state that he had regretted his actions, the panel felt that Mr Hatch had only considered the impact of the conduct on himself with regards to the position that he had found himself in. The panel found that Mr Hatch did not consider or address the impact of his conduct on Pupils A and D, nor did he offer any form of apology. The panel did not have any representations from Mr Hatch nor from his representative to demonstrate that Mr Hatch had a genuine insight into his behaviour. The panel also considered that Mr Hatch’s behaviour throughout the hearing did not demonstrate any sign of insight or remorse.” In my judgement, the lack of full 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 Hatch were not treated with the utmost seriousness, when regulating the conduct of the profession.” I am particularly mindful of the finding of sexual motivation 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 that may 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 Hatch himself and the panel comment “The panel did not have sight of any evidence pertaining to Mr Hatch’s ability as an educator nor was there any evidence to show that Mr Hatch had made an exceptional contribution to the teaching profession. Therefore, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Hatch in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.”

A prohibition order would prevent Mr Hatch 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. The panel has said, "The panel considered Mr Hatch's level of insight and remorse to be low. Whilst Mr Hatch had accepted that his behaviour was inappropriate, Mr Hatch did not exhibit any sign of insight into the impact that this had on Pupils A and D, nor the impact that it would have on other pupils and the public as a whole. In light of Mr Hatch's serious misconduct, together with Mr Hatch's lack of insight and genuine remorse, the panel felt that there would be a continuing risk present if Mr Hatch was permitted to teach again."

I have also placed considerable weight on the finding of the panel that "Mr Hatch's actions were deliberate. There was no evidence to suggest that Mr Hatch was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel did not hear any evidence pertaining to Mr Hatch's character in order to determine whether or not the incident was out of character for Mr Hatch. The panel considered Mr Hatch's conduct to be calculated, particularly as he had started to message Pupil D again despite knowing that she was a former student at the College."

I have considered the impact on pupils "Whilst the panel noted that the Police had not taken any further action against Mr Hatch, the panel did consider the comments made by the Police, namely that they had significant concerns as Mr Hatch's behaviour was "highly predatory and wholly inappropriate." Notwithstanding this, the panel had also formed its own view that the messages sent by Mr Hatch to Pupil D were an attempt by him to use his position of trust to sexually exploit Pupil D, who he had known to be a vulnerable young girl."

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

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

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

I have considered the panel's comments "In terms of future behaviour, the panel noted that Mr Hatch had stated that he learnt his lesson and would inform his employer immediately if a student reached out to him or if he had accidentally followed a student on social media.

Mr Hatch also stated that he would make himself aware of the correct procedures and undertake safeguarding training in the future. Mr Hatch also stated in his written statement that he would “never communicate with any child under 18 online ever again”. However, given the seriousness of the findings, the panel felt that Mr Hatch was a risk to pupils and as such it was not satisfied that there were any steps that Mr Hatch could take in order to show that he could address his behaviour.”

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, which were sexually motivated with a vulnerable pupil and the lack of full insight or 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 Callum Hatch 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 Hatch 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 Hatch 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: 17 October 2023

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