



Teaching
Regulation
Agency

Ms Erin Hebblewhite Professional conduct panel outcome

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

March 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	6
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	12

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

Teacher:	Ms Erin Hebblewhite
Teacher ref number:	3768847
Teacher date of birth:	2 February 1992
TRA reference:	18353
Date of determination:	1 March 2024
Former employer:	Connaught School for Girls, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 1 March 2024 by way of a virtual hearing, to consider the case of Ms Erin Hebblewhite.

The panel members were Ms Jackie Hutchings (teacher panellist – in the chair), Ms Chloe Nash (lay panellist) and Mr Philip Thompson (teacher panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Natalia Constantine of 2 Harcourt Buildings for Kingsley Napley LLP.

Ms Erin Hebblewhite was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 19 December 2023.

It was alleged that Ms Erin Hebblewhite had been convicted of a relevant offence, namely on 27 April 2021, you were convicted of:

1. Sexual activity with female 13 to 17, offender does not believe victim is over 18, abuse of trust on 06/01/18 – 29/06/18, contrary to the Sexual Offences Act 2003 s.16(1)(e)(i) (3 counts)
2. Sexual activity with female 13-17, offender does not believe victim is over 18, abuse of trust on 15/02/18, contrary to the Sexual Offences Act 2003 s.16(1)(e)(i)
3. Sexual activity in presence of child 13 to 17 – offender 18 or over – abuse of position of trust on 06/01/18 – 29/06/18, contrary to the Sexual Offences Act 2003 s.18(1)(f)(i)
4. Making indecent photograph or pseudo-photograph of children on 28/10/18, contrary to the Protection of Children Act 1978 s.1(a) (2 counts)

In the absence of a response from the teacher, the allegations are not admitted. There was also no admission in relation to the issue of the conviction of a relevant offence.

Preliminary applications

The panel considered an application from the TRA to proceed in the absence of Ms Hebblewhite. It heard submissions in relation to this and received the legal advice which is accepted. The panel determined that given the response given by Ms Hebblewhite, whereby she suggested that she would not be pursuing teaching as a career going forward, it could safely determine that she had voluntarily absented herself from the process. The length of time since the incidents in question was also a paramount consideration for them. Additionally, it could see no merit in seeking an adjournment and did not see how it could correctly speculate as to benefit of doing so in the circumstances. The panel was also mindful of the significant public interest matters in this case, and determined that their significance outweighed any potential prejudice faced by Ms Hebblewhite in these circumstances.

Accordingly, the panel determined it was appropriate to proceed in the absence of Ms Hebblewhite.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 12

Section 3: Teaching Regulation Agency witness statements – pages 13 to 190

Section 5: Teacher’s representations – page 191

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

Witnesses

The TRA called no live witnesses.

Decision and reasons

The panel announced its decision and reasons as follows:

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

The TRA presented the panel with evidence including the certificate of conviction dated 23 November 2021, in addition to the hearing transcript, sentencing transcript and PNC record. In addition to this, the panel were presented with auxiliary material which pertained to the school's internal investigation.

Ms Hebblewhite was offered the role of Subject Leader of PE by the school on 14 July 2016 and took up the post shortly after. Ms Hebblewhite was suspended by the school on 31 October 2018, following a notification from Waltham Forest LADO on 25 October 2018 that a former student had alleged that there had been a sexual relationship with her. Following an investigation by the LADO and the School, a referral was made to the TRA by the school on 6 May 2019. Ms Hebblewhite was then sentenced at Snaresbrook Crown Court on 23 November 2021 for multiple offences pertaining to the aforementioned sexual relationship, which resulted in a custodial sentence.

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:

Allegation 1, Allegation 2, Allegation 3, Allegation 4

The allegations were considered as follows:

It was alleged that Ms Erin Hebblewhite had been convicted of a relevant offence, namely on 27 April 2021, you were convicted of:

- 1. Sexual activity with female 13 to 17, offender does not believe victim is over 18, abuse of trust on 06/01/18 – 29/06/18, contrary to the Sexual Offences Act 2003 s.16(1)(e)(i) (3 counts)**
- 2. Sexual activity with female 13-17, offender does not believe victim is over 18, abuse of trust on 15/02/18, contrary to the Sexual Offences Act 2003 s.16(1)(e)(i)**
- 3. Sexual activity in presence of child 13 to 17 – offender 18 or over – abuse of position of trust on 06/01/18 – 29/06/18, contrary to the Sexual Offences Act 2003 s.18(1)(f)(i)**

4. Making indecent photograph or pseudo-photograph of children on 28/10/18, contrary to the Protection of Children Act 1978 s.1(a) (2 counts)

The Panel heard submissions from the TRA presenting officer in relation to this. Given the inseparable nature of the allegations, it found it practical to consider allegations 1 to 4 together. The panel noted that it had been provided with a signed Certificate of Conviction from the Crown Court at Snaresbrook which confirmed that on 23 November 2021, Ms Hebblewhite was convicted of the offences as alleged. Having received and accepted legal advice in relation to this, the panel was satisfied that it could take this certificate as conclusive evidence of the offences as detailed within the allegations.

Accordingly the panel found all allegations proved.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including the rule of law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Hebblewhite's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Ms Hebblewhite's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

This was a case concerning offences of sexual activity, and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, which the Advice states is likely to be considered a relevant offence. Additionally, the panel felt that behaviours which pertained to the offences involved sexual communication with a child and controlling and coercive behaviour.

The panel was not made aware of any mitigating circumstances which may be present in relation to the offending behaviour, not least due to the lack of engagement of Ms Hebblewhite.

The panel felt that it was clear that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Hebblewhite's ongoing suitability to teach. The panel therefore considered that a finding that these convictions were for relevant offences was appropriate and necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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. 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 the declaring and upholding proper standards of conduct .

In the light of the panel's findings against Ms Hebblewhite which involved engaging in sexual activity with a student over a prolonged period of time, there was a strong public interest consideration in relation to all of the public interest considerations referred to above.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings which include direct sexual activity with a child which included the making of indecent images.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Ms Hebblewhite in the profession. The panel acknowledged that whilst there were some positive remarks made about Ms Hebblewhite's teaching, it did not find there to be a public interest in her remaining a teacher. The panel also noted that the severity of the allegations found proved in this matter, significantly outweighed any suggestion that there was a public interest in her remaining in the profession.

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 Ms Hebblewhite.

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 Ms Hebblewhite. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- 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 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, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of 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;
- collusion or concealment including:
 - lying to prevent the identification of wrongdoing;

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.

There was no evidence that Ms Hebblewhite's actions were not deliberate.

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

The panel accepted that Ms Hebblewhite did have a previous good character and was not subject to any previous regulatory or criminal findings.

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 Ms Hebblewhite 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 Ms Hebblewhite. The fact that Ms Hebblewhite had been convicted of multiple offences of sexual activity with a child was 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These 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 their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents;

These are clearly engaged by the findings of fact made, given the substantive elements of the offences for which Ms Hebblewhite has been convicted.

The Advice also indicates that where a case involves certain other characteristics, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the listed characteristics were engaged by the panel's findings.

However, the panel felt, given the facts found proved, and the findings in relation to a conviction of a relevant offence, there was no appropriate review period that it could recommend. It recognised that Ms Hebblewhite had been convicted of very serious

sexual offences, and it saw no compelling evidence of remorse within the case that was presented to it.

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

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Ms Hebblewhite is in breach of the following standards:

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

The findings of misconduct are particularly serious as they involve direct sexual activity with a child which included the making of indecent images and ultimately led to a sentence of imprisonment.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Hebblewhite, 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 safeguard pupils. The panel noted that, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings which include direct sexual activity with a child which included the making of indecent images." 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, "It recognised that Ms Hebblewhite had been convicted of very serious sexual offences, and it saw no compelling evidence of remorse within the case that was presented to it." Given this, and the fact that the panel does not record having seen any evidence that Ms Hebblewhite has developed insight into her actions or the impact of those actions on others, there is in my judgment 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 record that it, "...felt that it was clear that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Hebblewhite's ongoing suitability to teach. The panel therefore considered that a finding that these convictions were for relevant offences was appropriate and necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession." I am particularly mindful of the finding of a relevant conviction for sexual activity with a child in this case and the very negative impact that such a finding could have on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Hebblewhite herself. The panel note that it “...acknowledged that whilst there were some positive remarks made about Ms Hebblewhite’s teaching, it did not find there to be a public interest in her remaining a teacher. The panel also noted that the severity of the allegations found proved in this matter, significantly outweighed any suggestion that there was a public interest in her remaining in the profession.”

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

In this case, I have placed considerable weight on the very serious nature of Ms Hebblewhite’s offences which involved sexual activity with a child. I have also taken into account the lack of evidence of insight and remorse on Ms Hebblewhite’s behalf.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Hebblewhite 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.

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

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

In doing so the panel has referred to the Advice which indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These 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 their professional position to influence or exploit a person or persons;

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

As the panel states, “These are clearly engaged by the findings of fact made, given the substantive elements of the offences for which Ms Hebblewhite has been convicted.”

I have considered the panel’s comments, “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.”

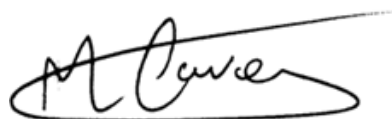
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of Ms Hebblewhite’s offences, which in my view are incompatible with being a teacher, as well as the lack of evidence of either insight or remorse which raises a risk that such conduct could be repeated in the future.

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 Ms Erin Hebblewhite 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 her, I have decided that Ms Hebblewhite shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Erin Hebblewhite has a right of appeal to the High Court within 28 days from the date she is given notice of this order.



Decision maker: Marc Cavey

Date: 5 March 2024

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