



Teaching
Regulation
Agency

Ms Emma Houlihan: Professional conduct panel meeting outcome

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

February 2024

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

Teacher:	Ms Emma Houlihan
Teacher ref number:	2159103
Teacher date of birth:	9 October 1995
TRA reference:	21707
Date of determination:	26 February 2024
Former employer:	The King's School, Grantham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 26 February 2024, to consider the case of Ms Emma Houlihan.

The panel members were Ms Charlotte McCallum (lay panellist – in the chair), Ms Aisha Miller (teacher panellist) and Mr Paul Burton (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Houlihan that the allegation be considered without a hearing. Ms Houlihan provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction, at any time, of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Ms Carolyn Thackstone, Ms Houlihan or a representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the Notice of Meeting dated 16 February 2024.

It was alleged that Ms Houlihan was convicted, at any time, of a relevant offence in that:

1. On 21 December 2022 she was convicted at Lincoln Magistrates' Court for failing to provide a specimen for analysis on 3 December 2022.

It was alleged that Ms Houlihan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Teacher of English at The King's School:

2. Between September 2022 and January 2023, she engaged in and/or developed an inappropriate relationship with Pupil A including by:
 - a) Phoning [REDACTED] on one or more occasions;
 - b) Sending text messages and/or snapchat messages to Pupil A on one or more occasions;
 - c) Sending one or more inappropriate images of herself to Pupil A;
 - d) Engaging in inappropriate conversations with Pupil A;
 - e) Kissing Pupil A on the school premises;
 - f) Phoning Pupil A whilst she was drink driving.
3. Her conduct as may be found proven at Allegation 2(a)-(e) was conduct of a sexual nature and/or was sexually motivated.
4. On or around 24 January 2023, she provided false and/or misleading information in respect of her relationship with Pupil A, including by;
 - a) Informing the School she had never kissed Pupil A when in fact she had;
 - b) Informing the School she had never sent images of herself to Pupil A when in fact she had.
5. She failed to follow the school's disciplinary rules by failing to inform her employer as to:
 - a) Her arrest on or around 3 December 2022;
 - b) Her conviction on or around 21 December 2022.
6. Her behaviour as may be found proven at 4 and/or 5 above was dishonest and/or lacked integrity.

Ms Houlihan admitted the facts of the allegations, as well as unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction, at any time, of a relevant offence.

Preliminary applications

At the start of the meeting, the panel considered whether to amend the word “including” in the stem of allegation 2 and 4 to “namely” or “specifically”.

Under paragraph 5.83 of the Procedures, the panel had the power to, in the interest of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

The panel decided not to amend the allegations to remove the word “including”. The teacher had signed a Statement of Agreed Facts and the panel would confine its deliberations to the stated sub-allegations.

Summary of evidence

Documents

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

Section 1: Notice of Referral, response and Notice of Meeting – pages 5 to 15

Section 2: Statement of Agreed Facts and presenting officer representations - pages 16 to 26

Section 3: Anonymised pupil list – page 28

Section 4: Teaching Regulation Agency documents – pages 30 to 226

Section 5: Teacher documents – pages 228 to 230

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

The panel was provided with an amended Statement of Agreed Facts, signed 26 February 2024, prior to the start of the meeting. The panel replaced the previous version of the Statement of Agreed Facts in the bundle, signed 17 January 2024, with the amended version.

Statement of agreed facts

The panel considered a Statement of Agreed Facts which was signed by Ms Houlihan on 26 February 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Houlihan for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Ms Houlihan was employed at The King's School ('the School') as a teacher of English between 7 June 2021 to 27 January 2023. Pupil B reported to the [REDACTED] at the school that he was concerned about a relationship between Ms Houlihan and Pupil A. Pupil A confirmed that after [REDACTED] had turned [REDACTED], he asked Ms Houlihan if she wanted [REDACTED] mobile number, which she accepted. Pupil A and Ms Houlihan then exchanged messages via [REDACTED] personal mobile number. The school commenced an investigation and Ms Houlihan resigned from her position.

Findings of fact

The findings of fact are as follows:

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

- 1. On 21 December 2022 you were convicted at Lincoln Magistrates' Court for failing to provide a specimen for analysis on 3 December 2022.**

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of a signed Statement of Agreed Facts, in which Ms Houlihan accepted that on 21 December 2022 she was convicted at Lincoln Magistrates' Court for failing to provide a specimen for analysis on 3 December 2022.

The panel had sight of a certificate of conviction. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction.

Ms Houlihan was ordered to pay a fine of £1,100 and was disqualified from driving for 17 months.

The allegation was therefore, found proved.

2. Between September 2022 and January 2023, you engaged in and/or developed an inappropriate relationship with Pupil A including by:

a. Phoning [REDACTED] on one or more occasions;

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes from the school's meetings with Pupil A and Ms Houlihan after the allegations came to light. In a meeting in January 2023, Ms Houlihan admitted to phoning Pupil A on [REDACTED] personal mobile phone on more than one occasion. In a separate meeting with the School in January 2023, Pupil A described at least two occasions that Ms Houlihan had phoned [REDACTED].

The allegation was therefore, found proved.

b. Sending text messages and/or snapchat messages to Pupil A on one or more occasions;

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of screenshots of text messages Ms Houlihan had sent to Pupil A, which showed conversations with a pupil of an inappropriate nature.

The allegation was therefore, found proved.

c. Sending one or more inappropriate images of yourself to Pupil A;

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes from the school's meetings with Pupil A and Ms Houlihan after the allegations came to light. In a meeting in January 2023, Ms Houlihan admitted to sending inappropriate images of herself to Pupil A.

The panel had sight of the notes of a meeting with Pupil A as part of the school's investigation. These notes contained a description of the images sent to Pupil A by Ms Houlihan, including of Ms Houlihan wearing lingerie.

The allegation was therefore, found proved.

d. Engaging in inappropriate conversations with Pupil A;

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes from the school's meetings with Pupil A and Ms Houlihan after the allegations came to light. In a meeting in January 2023, Ms Houlihan admitted to sending text messages of an inappropriate nature to a pupil of the school. In a separate meeting with the School in January 2023, Pupil A outlined conversations with Ms Houlihan, either in person or by electronic communication, which included Ms Houlihan discussing her relationship, conversations which were "adult in nature" and that they exchanged "intimate messages". The panel also had sight of screenshots of text messages from Ms Houlihan which showed inappropriate conversations, with Ms Houlihan stating she missed Pupil A and asking Pupil A to stop being "tempting".

The allegation was therefore, found proved.

e. Kissing Pupil A on the school premises;

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes from the school's meetings with Pupil A and Ms Houlihan after the allegations came to light. In a meeting in January 2023, Ms Houlihan admitted to kissing Pupil A on the school premises. In a separate meeting with the School in January 2023, Pupil A outlined how [REDACTED] had made the first move and kissed Ms Houlihan in her classroom after school, after Ms Houlihan 'goaded it'. Pupil A described another kiss in the school which was 'pre-planned' and another kiss after school in Ms Houlihan's classroom.

The allegation was therefore, found proved.

f. Phoning Pupil A whilst you were drink driving.

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes from the school's meetings with Pupil A and Ms Houlihan after the allegations came to light. In a separate meeting with the School in January 2023, Pupil A described how Ms Houlihan had called [REDACTED] early one morning. She was driving, upset and had said to Pupil A that she was drunk. [REDACTED] stated that Ms Houlihan had been pulled over for drink driving by the police.

The allegation was therefore, found proved.

3. Your conduct as may be found proven at Allegation 2(a)-(e) was conduct of a sexual nature and/or was sexually motivated.

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel considered Ms Houlihan's behaviour in allegations 2(c) and 2(d) to be of an inherently sexual nature, due to the content of the inappropriate images and conversations.

In relation to allegation 2(e), the panel considered kissing Pupil A was sexual in the circumstances. At least one of the kisses was pre-planned and there was no other reasonable explanation for kissing Pupil A.

In relation to allegations 2(a) and 2(b), although phoning and messaging Pupil A was not in and of itself of a sexual nature, the panel considered this to be sexually motivated and the purpose of the communication to advance the inappropriate relationship between Pupil A and Ms Houlihan.

The allegation was therefore, found proved.

4. On or around 24 January 2023, you provided false and/or misleading information in respect of your relationship with Pupil A, including by;

- a. Informing the School you had never kissed Pupil A when in fact you had;**
- b. Informing the School you had never sent images of yourself to Pupil A when in fact you had.**

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes taken during the school's meeting with Ms Houlihan on 24 January 2023. In this meeting, Ms Houlihan admitted to texting Pupil A on [REDACTED] personal mobile number but stated that she had "never sent images or kissed a student". The panel noted that in a meeting on 27 January 2023, Ms Houlihan then admitted to kissing Pupil A and sending images of herself to Pupil A.

The allegation was therefore, found proved.

5. You failed to follow the school's disciplinary rules by failing to inform your employer as to:

- a. Your arrest on or around 3 December 2022;**
- b. Your conviction on or around 21 December 2022.**

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

The panel had sight of the notes taken during the school's meeting with Pupil A as part of its investigation. During this meeting, Pupil A made reference to Ms Houlihan being pulled over by the police and having a court date, and that she had told Pupil A that she did not need to declare it to the school. The panel was provided with a letter, signed by the [REDACTED] at the School, which stated that Ms Houlihan did not make the School officially aware of her arrest on 3 December 2022 or her conviction on 21 December 2022, contrary to the School's employment manual which stated that an example of gross misconduct was a failure to immediately notify the School of any investigation, arrest, charge or conviction of any criminal offence brought against her during her employment.

The allegation was therefore, found proved.

6. Your behaviour as may be found proven at 4 and/or 5 above was dishonest and/or lacked integrity.

The panel considered the issue of whether Ms Houlihan's conduct found proven in respect of allegations 4 and 5 above had been dishonest and/or lacked integrity.

The allegation was admitted and was supported by evidence presented to the panel within the bundle.

With respect to allegation 4, the panel considered that Ms Houlihan knew that her statements to the school on or around 24 January 2023 that she had never kissed Pupil A or sent images of herself to Pupil A were false. However, the panel did note that Ms Houlihan admitted to the school to kissing Pupil A and sending images of herself to Pupil A only 3 days later. The panel considered it reasonable that Ms Houlihan may have panicked when the allegations were first put to her but did not maintain the false position for a long period of time. Nevertheless, the panel noted that Ms Houlihan made direct false statements and considered that the ordinary person would have considered this conduct dishonest. The panel also considered Ms Houlihan lacked integrity.

With respect to allegation 5, the panel had sight of the school's employment manual which stated that an example of gross misconduct was a failure to immediately notify the school of any investigation, arrest, charge, or conviction of any criminal offence brought against her during her employment. The panel considered that it was reasonable to expect Ms Houlihan to have been aware of the school's position in relation to the disclosure of any arrests or convictions of a criminal offence. The wording of the school's employment manual was clear in relation to a failure to notify of any arrest or conviction of a criminal offence being considered an example of gross misconduct. The panel noted that Ms Houlihan's arrest and conviction occurred in December, prior to any allegations in relation to her conduct with Pupil A. The panel considered that the ordinary person would have considered this conduct dishonest. The panel also considered Ms Houlihan lacked integrity. Ms Houlihan had a professional obligation to have regard for the school's ethos, policies and practice.

The allegation was therefore, found proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found all 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”.

In relation to allegations 2 to 6, the panel was satisfied that the conduct of Ms Houlihan, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Houlihan was in breach of the following standards:

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

The panel was satisfied that the conduct of Ms Houlihan, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Ms Houlihan was in breach of the safeguarding provisions in KCSIE.

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

In relation to allegation 2 to 6, the panel also considered whether Ms Houlihan’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 none of these offences was relevant. Pupil A was over the age of [REDACTED] at the time of Ms Houlihan’s conduct.

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 considered Ms Houlihan's conduct, in relation to allegations 2 to 6, to have taken place inside the education setting as Ms Houlihan knew Pupil A by virtue of her position as a teacher. The panel had sight of screenshots of messages from Ms Houlihan to Pupil A which referenced seeing Pupil A in school.

Accordingly, the panel was satisfied that Ms Houlihan was guilty of unacceptable professional conduct.

Conduct that may bring the profession into disrepute

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 Ms Houlihan'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 none of these offences was 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.

The panel considered that Ms Houlihan's conduct could potentially damage the public's perception of a teacher. Ms Houlihan had developed an inappropriate relationship with Pupil A, which was of a sexual nature, and had acted dishonestly and lacked integrity in providing false information to the school and failing to inform the school of her arrest and conviction.

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

Having found the facts of particulars 2 to 6 proved, the panel further found that Ms Houlihan's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Conviction

In relation to allegation 1, the panel was not satisfied that the conduct of Ms Houlihan, in relation to the facts it found proved, involved breaches of the Teachers' Standards.

The panel noted that the individual's actions, in relation to a conviction for failing to provide a specimen for analysis on 3 December 2022, was relevant to teaching, working with children and working in an education setting. Ms Houlihan was obliged to disclose her conviction to her employer under the school's employment manual and a pupil was aware of her conviction.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils. Although Ms Houlihan had not been convicted for driving while under the influence of alcohol and the offence itself did not involve breaches of the Teachers' Standards, the panel noted that Ms Houlihan had called Pupil A while drink driving, putting him in a stressful position, and Pupil A was aware of Ms Houlihan's conviction. Ms Houlihan was in a position of trust and should have acted as a role model to Pupil A.

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

The panel noted that Ms Houlihan's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

This was a case concerning a serious driving offence involving alcohol. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel also took into consideration the reference in the notes taken during the school's investigation [REDACTED].

Although the panel found no criticism of Ms Houlihan's teaching proficiency, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Houlihan's fitness to be a teacher. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the

behaviour and any mitigation offered by Ms Houlihan 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. The panel also found the interest of retaining the teacher in the profession to be relevant.

In the light of the panel's findings against Ms Houlihan, which involved a conviction for failing to provide a specimen for analysis, developing an inappropriate relationship with Pupil A, dishonesty and a lack of integrity, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a pupil.

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

Whilst there is evidence that Ms Houlihan had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Ms Houlihan in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher, and she sought to exploit her 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;

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;

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, 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 whether there were mitigating circumstances.

There was evidence that Ms Houlihan's actions were deliberate. She had continued to message Pupil A over a period of months. Sending inappropriate messages, kissing Pupil A and sending inappropriate images to Pupil A was not a one-off incident.

Although there was evidence that Ms Houlihan was going through difficult personal circumstances, there was no evidence to suggest that Ms Houlihan was acting under extreme duress, e.g. a physical threat or significant intimidation.

Ms Houlihan did have a previously good history. However, the panel was not presented with any evidence which indicated Ms Houlihan had demonstrated exceptionally high standards in personal and professional conduct and contributed significantly to the education sector.

The panel was not provided with references from any colleagues that could attest to Ms Houlihan's abilities as a teacher.

Although Ms Houlihan fully admitted the allegations, the panel was also not provided with any evidence as to her level of insight or remorse into her actions.

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 Houlihan 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 Houlihan. Developing an inappropriate relationship with a pupil 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 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. One of these is 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 her professional position to influence or exploit a person or persons. The panel found that Ms Houlihan was responsible for developing an inappropriate relationship with Pupil A which was sexually motivated and kissing Pupil A. Although Pupil A was over [REDACTED] years old at the time, the panel considered that Ms Houlihan had met Pupil A by virtue of the pupil and teacher relationship.

The panel noted that, although Ms Houlihan had initially denied kissing Pupil A and sending images of herself to Pupil A in the first meeting with the school about the allegations, a few days later she fully admitted the allegations. However, the panel was not provided with any evidence as to Ms Houlihan's actions since January 2023 to address her behaviour and prevent a repetition. Nevertheless, in her full admission in January 2023, the panel considered that Ms Houlihan was aware that her actions were inappropriate and falling short of the standards of behaviour expected of a teacher. The panel noted that Pupil A was over [REDACTED] at the time of Ms Houlihan's conduct and Ms Houlihan had not taught Pupil A. Although Ms Houlihan had acted inappropriately, the panel considered that this was at a time when Ms Houlihan was a relatively newly qualified teacher and, from the notes taken during the school's investigation, considered Ms Houlihan to be vulnerable. [REDACTED]. Ms Houlihan had engaged with the TRA but had not put forward mitigation. The panel considered that a review period would allow Ms Houlihan the opportunity to demonstrate a level of insight into her conduct and clearly set out any steps she had taken to address her behaviour and prevent a recurrence.

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 provision for a review period after 5 years.

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, conduct that may bring the profession into disrepute and a relevant conviction.

The panel has made a recommendation to the Secretary of State that Emma Houlihan should be the subject of a prohibition order, with a review period of five years.

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

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

The panel was satisfied that the conduct of Ms Houlihan 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 Ms Houlihan fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of developing an inappropriate relationship with a pupil, which was sexually motivated. The findings also include a conviction for a relevant offence and behaviour which was dishonest and lacked integrity.

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, conduct likely to bring the profession into disrepute and 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 Houlihan, 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 has observed, "In the light of the panel's findings against Ms Houlihan, which involved a conviction for failing to provide a specimen for analysis, developing an inappropriate relationship with Pupil A, dishonesty and a lack of integrity, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a pupil." 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 has set out as follows, "Although Ms Houlihan fully admitted the allegations, the panel was also not provided with any evidence as to her level of insight or remorse into her actions." In my judgement, the lack of evidence of insight and 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 has observed, "The panel considered that Ms Houlihan's conduct could potentially damage the public's perception of a teacher. Ms Houlihan had developed an inappropriate relationship with Pupil A, which was of a sexual nature, and had acted dishonestly and lacked integrity in providing false information to the school and failing to inform the school of her arrest and conviction." I am particularly mindful of the finding of developing an inappropriate relationship with a pupil 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, conduct likely to bring the profession into disrepute and 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 Houlihan herself. The panel has commented, “Ms Houlihan did have a previously good history. However, the panel was not presented with any evidence which indicated Ms Houlihan had demonstrated exceptionally high standards in personal and professional conduct and contributed significantly to the education sector.”

A prohibition order would prevent Ms Houlihan 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 recommendation of the panel that public interest considerations outweigh the interests of Ms Houlihan given the finding that Mr Houlihan had developed an inappropriate relationship with a pupil. The panel has noted that “There was evidence that Ms Houlihan’s actions were deliberate. She had continued to message Pupil A over a period of months. Sending inappropriate messages, kissing Pupil A and sending inappropriate images to Pupil A was not a one-off incident.” The panel has also noted that Ms Houlihan’s conduct involved dishonesty and a lack of integrity, including the deliberate concealment of actions.

I have also placed considerable weight on the panel’s finding on the lack of evidence of insight and remorse. The panel has noted that it “was not provided with any evidence as to Ms Houlihan’s actions since January 2023 to address her behaviour and prevent a repetition. Nevertheless, in her full admission in January 2023, the panel considered that Ms Houlihan was aware that her actions were inappropriate and falling short of the standards of behaviour expected of a teacher.”

I have given less weight in my consideration of sanction to the contribution that Ms Houlihan 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 insight and remorse, 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 five-year review period.

The panel has noted that the Advice indicates that the public interest will have greater relevance and weigh in favour of not offering a review period in cases of sexual misconduct including where the act was sexually motivated, particularly where a teacher has used his or her professional position to influence or exploit a person. The panel has found that “Ms Houlihan was responsible for developing an inappropriate relationship with Pupil A which was sexually motivated and kissing Pupil A. Although Pupil A was over [REDACTED] years old at the time, the panel considered that Ms Houlihan had met Pupil A by virtue of the pupil and teacher relationship.”

The Advice requires a panel to consider each case on its individual merits taking into account all the circumstances involved. In this case the panel has taken account of the following factors in deciding that a review period would be appropriate and proportionate, “The panel noted that Pupil A was over [REDACTED] at the time of Ms Houlihan’s conduct and Ms Houlihan had not taught Pupil A. Although Ms Houlihan had acted inappropriately, the panel considered that this was at a time when Ms Houlihan was a relatively newly qualified teacher and, from the notes taken during the school’s investigation, considered Ms Houlihan to be vulnerable. [REDACTED]. Ms Houlihan had engaged with the TRA but had not put forward mitigation. The panel considered that a review period would allow Ms Houlihan the opportunity to demonstrate a level of insight into her conduct and clearly set out any steps she had taken to address her behaviour and prevent a recurrence.” In this case, I have accepted the panel’s view that these specific circumstances mean a review period would be appropriate and proportionate.

I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. There are factors that mean that a review period of less than five years is insufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the findings including developing an inappropriate relationship with a pupil which was sexually motivated, the lack of integrity and dishonesty found, and the lack of evidence of insight and remorse.

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

This means that Ms Emma Houlihan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. She may apply for the prohibition order to be set aside, but not until 2029, five years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Houlihan remains prohibited from teaching indefinitely.

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

Ms Emma Houlihan has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 4 March 2024

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