



Teaching
Regulation
Agency

Mr Philip Baker: Professional conduct panel hearing outcome

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

March 2024

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

Teacher:	Mr Philip Baker
TRA reference:	21412
Date of determination:	15 March 2024
Former employer:	Beckfoot Thornton School, Bradford, West Yorkshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14-15 March 2024 by way of a virtual hearing, to consider the case of Mr Philip Baker.

The panel members were Mr Peter Ward (lay panellist – in the chair), Mrs Gemma Hutchinson (teacher panellist) and Mrs Julie Wells (teacher panellist).

The legal adviser to the panel was Mrs Lucy Mosley of Blake Morgan Solicitors.

The presenting officer for the TRA was Mr Alex Mullen, instructed by Kingsley Napley Solicitors.

Mr Baker 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 21 December 2023.

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

Whilst working as a Teacher at Beckfoot Thornton:

- 1. Between 14 and 19 July 2022, you acted in an inappropriate manner and/ or breached professional boundaries in that he:**

- a) Gave his personal telephone number to Pupil A and/or Pupil B;
- b) Asked a pupil to take a photograph and/or selfie with himself, Pupil A and/ or Pupil B;
- c) Exchanged text messages and/ or calls with Pupil A and/ or Pupil B;
- d) Gave Pupil A and/ or Pupil B chocolate;
- e) Took Pupil A and/ or Pupil B out of their lesson to watch and/ or show him TikTok videos.

In the absence of a response from Mr Baker, the allegations are not admitted.

Mr Baker has made no admission to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Baker.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 5.45 and 5.48 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020 ("the Procedures") and that the requirements for service had been satisfied.

Mr Baker had not responded to the Notice.

The panel was satisfied that reasonable efforts had been made to bring the hearing to Mr Baker's attention. He acknowledged receipt of the communications, but didn't indicate that he intended to attend the hearing.

The panel was provided with a 44 page bundle entitled 'Proceeding in Absence Bundle' and a 5 page bundle entitled 'Additional PIA Bundle'. Included in the 5 page bundle was a screenshot of a text message dated 12 March 2024 from Mr Bright, a National Education Union representative who had been assisting Mr Baker, to Kingsley Napley Solicitors, who act for the TRA. In that message Mr Bright had copied a text sent to him by Mr Baker which discussed matters of his health. The message also read "*I will never work again in any capacity so not bothered about tra findings....*"

The panel went on to consider whether to proceed in Mr Baker's absence or to adjourn, in accordance with Rule 5.47 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with caution and with close regard to the overall fairness of the proceedings.

The panel gave careful consideration to the fact that Mr Baker would not be in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Mr Baker for the following reasons in particular:

- The panel was satisfied that Mr Baker's absence was voluntary and he had waived his right to attend.
- There was no indication that Mr Baker might attend at a future date. As such, the panel concluded that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time.
- A witness was scheduled to give evidence and would be inconvenienced by an adjournment, as would the other participants in this hearing.

Having decided that it was appropriate to proceed, the panel would strive to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Baker would not be present or represented.

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 4 to 6

Section 2: Notice of proceedings and response – pages 7 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 20

Section 4: Teaching Regulation Agency documents – pages 21 to 261

The panel was also provided with a 44 page bundle entitled 'Proceeding in Absence Bundle' and a 5 page bundle entitled 'Additional PIA Bundle'.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing, in addition to the proceeding in absence documents provided at the hearing.

In the consideration of this case, the panel had regard to the Procedures.

Witnesses

The panel heard oral evidence from [REDACTED], Investigating Officer and [REDACTED] at Beckfoot Thorton School at the relevant time. [REDACTED] was called by the presenting officer.

Decision and reasons

The panel announced its decision and reasons as follows:

Introduction

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

Mr Baker was employed at Beckfoot Thorton School ("the School") from 2003 as a History Teacher. He retired in August 2022.

On 14 July 2022 an incident occurred at the School whereby it was alleged that Mr Baker had been talking to two pupils during their history lesson. The pupils are referred to as Pupil A and Pupil B for the purposes of these proceedings.

It was alleged that the pupils told Mr Baker that they had made a video for him on TikTok to say goodbye before his retirement.

It was further alleged that Mr Baker took the pupils out of their next lesson and took them back to his classroom. Mr Baker asked the pupils to help him make a TikTok video of his dog, and gave them his personal mobile phone number. Mr Baker asked the pupils to text him the link to the TikTok video as he wanted to show his [REDACTED] what they had made for him. He gave them chocolate and asked Pupil B to take a selfie of the three of them on his personal mobile phone.

Mr Baker is then alleged to have texted Pupil A asking her to pass on a message to Pupil B about the TikTok video. On 19 July 2022 as part of a text exchange he sent Pupil A a text message saying "*could do with a call as nearing [sic] cheering up*". He asked Pupil A to call him, but she did not do so. Mr Baker attempted to call Pupil A five times. She did

not answer. Pupil C was present when the calls were made and requested that Mr Baker cease communication.

The School proceeded to conduct an investigation.

A disciplinary hearing was held on 23 November 2022. The Local Authority Designated Officer was informed of the outcome, and a referral was made to the Teaching Regulation Agency.

Evidence

The panel had careful regard to the oral and documentary evidence presented and the submissions made by Mr Mullen.

It accepted the legal advice provided.

The panel heard oral evidence from [REDACTED], Investigating Officer and former Assistant Headteacher at the School, called by the presenting officer.

In addition, the panel was presented with hearsay evidence from individuals who were involved in the underlying events.

The panel was satisfied that the admission of such evidence did not give rise to any unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

In the absence of hearing from Mr Baker, all of the allegations were denied. However, the panel took into account the responses provided by Mr Baker during the School's investigation and disciplinary process.

In considering those allegations, the panel formed its own, independent view based on the evidence presented to it.

It was mindful of the need to exercise its own independent judgement and not rely upon any opinions recorded. It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

Insofar as there were references within the evidence to other failings on the part of Mr Baker which did not relate to the specific allegations before this panel, these were disregarded other than to the extent they were relevant contextually.

Findings of fact

The findings of fact are as follows.

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

Between 14 and 19 July 2022, you acted in an inappropriate manner and/ or breached professional boundaries in that you:

a) Gave your personal telephone number to Pupil A/ and or Pupil B;

The panel considered the email sent by Mr Baker to [REDACTED] on 18 October 2022 which set out his response to the allegations raised by the School during its investigation. At paragraph 4 of that email Mr Baker stated *“I did give them my mobile number so they could send the tik toc of me to my phone.”* The panel was of the opinion that Mr Baker had therefore made an early admission to the School that he accepted the behaviour alleged.

The panel also took into account the witness statements of Pupil A and Pupil B, which were produced for the purposes of the School’s investigation. The statements of both Pupil A and Pupil B state *“Mr Baker then wrote his phone number on a piece of paper and asked Pupil B if he could ‘text’ him the link of the Tiktok video she had made.”*

The panel recognised that the statements of Pupil A and Pupil B are hearsay. It therefore considered their evidence with the appropriate caution. It attached less weight to their evidence than it did to the live evidence heard at the hearing, given that the pupils were not present at the hearing and therefore their evidence could not be tested. However, the panel took into account that the statements from the pupils were made in October 2022, which was only three months after the events were said to have occurred. [REDACTED] stated that the pupils had been given an opportunity to review their statements and sign to confirm they were accurate. As Mr Baker was not present, no issue was raised on his behalf with the hearsay evidence provided by the TRA.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that it was more likely than not that Mr Baker had given his personal telephone number to Pupil A/ and or Pupil B.

b) Asked a pupil to take a photograph and/ or selfie with yourself, Pupil A and/ or Pupil B;

The panel considered the email sent by Mr Baker to [REDACTED] on 18 October 2022. At paragraph 5 of that email Mr Baker stated *“As they were leaving one of them said I should have a selfie with them as a memory and I let them take one on my phone.”* The panel was of the opinion that Mr Baker had therefore made an early admission to the School that he accepted the behaviour alleged.

The panel also took into account the witness statements of Pupil A and Pupil B. The statements of both Pupil A and Pupil B state *“Mr Baker then asked Pupil B to take ‘selfies’ of the three of them on his phone, stating he ‘wanted to show his [REDACTED]’.”*

The panel assessed the weight and reliability of the evidence. On the balance of probabilities, the panel believed that it was more likely than not that Mr Baker had asked a pupil to take a photograph and/ or selfie with him, Pupil A and/ or Pupil B.

c) Exchanged text messages and/ or calls with Pupil A and/ or Pupil B;

The panel considered the email sent by Mr Baker to [REDACTED] on 18 October 2022. At paragraph 4 of that email Mr Baker stated *“They then both ‘pinged’ me so I had their numbers- I did not ask for this.”*

At paragraph 7 Mr Baker said *“I received a text from one of the pupils on Tuesday asking if i [sic] had already left school and the [sic] another one the following day asking if I was going to be in at all before end of term. I think they were worried about not giving me a present they had got for me for my retirement. I then phoned the pupil to suggest they give present to [REDACTED] if I did not get into school as it seemed easier to call rather than text as I could hardly read my screen.”*

At paragraph 9 Mr Baker said *“The message from ‘Pupil C’ that I responded to I thought was from a teacher or support worker at school and I was very annoyed about the implication it suggested. It does not identify themselves as a pupil.”*

The panel was of the opinion that Mr Baker had therefore made an early admission to the School that he accepted the behaviour alleged.

The panel also took into account the witness statements of Pupil A, Pupil B and Pupil C.

The statement of Pupil B states *“Mr Baker then texted Pupil B for the link. Pupil B did not respond and then blocked Mr Baker on 19/7/2022”*. The panel had sight of Appendix 1, which was a screenshot of this text message. In that message Mr Baker had texted Pupil B asking *“Can you send me your tic tok address?”* and *“Just had a thought there there might be stuff on both of your tiktoks I shouldn’t see! So don’t send me the addresses....just send me the video file so I can show my [REDACTED].”*

The statement of Pupil B states *“Mr Baker then texted Pupil A to ask her to pass a message to Pupil B about sending the TikTok link. Pupil A responds with ‘yeah’.*” The panel had sight of Appendix 2, which was a screenshot of this text message. There is then an exchange of messages between Mr Baker and Pupil A. Mr Baker says *“Could do with a call as nearing [sic] cheering up.”* When Pupil A asks why he responds *“If you want to know call me now”*. Pupil A told [REDACTED] that she felt awkward about calling Mr Baker and so responded *“Can’t call mic is broke”*.

The panel was shown Appendix 3, which is a screenshot of the call log from Pupil A’s phone. This shows that Mr Baker attempted to call her five times, but Pupil A did not answer. Pupil C was present when the phone calls were made. He then texted Mr Baker on behalf of Pupil A asking him to stop contacting Pupil A and B. This message is also

included within Appendix 2 and says *“Hi, it’s Pupil C from school please can you stop texting Pupil A because it’s a bit wierd and your [sic] a teacher and she’s a student”*. Mr Baker initially responds with a thumbs up emoji. Pupil C challenged Mr Baker by commenting that Pupil A was 12 years old and that he shouldn’t be *“asking for little girls numbers in the first place.”* Mr Baker then responded to Pupil C *“So, Pupil C looking forward to a conversation about what you have texted.”*

The panel assessed the weight and reliability of the evidence. On the balance of probabilities, the panel believed that it was more likely than not that Mr Baker had exchanged text messages and/ or calls with Pupil A and/ or Pupil B.

d) Gave Pupil A and/ or Pupil B chocolate;

The panel considered the email sent by Mr Baker to [REDACTED] on 18 October 2022. At paragraph 3 of that email Mr Baker stated *“I did give them chocolates from a half finished bag as a thank you for their help.”* The panel was of the opinion that Mr Baker had therefore made an early admission to the School that he accepted the behaviour alleged.

The panel also took into account the witness statements of Pupil A and Pupil B. The statement of Pupil B stated *“Mr Baker got out Wispa chocolate bars and gave them to the two students.”* The statement of Pupil A stated *“Mr Baker gave both students a chocolate bar.”*

On the balance of probabilities, the panel believed that it was more likely than not that Mr Baker had given Pupil A and/ or Pupil B chocolate.

e) Took Pupil A and/ or Pupil B out of their lesson to watch and/ or show you TikTok videos.

The panel considered the email sent by Mr Baker to [REDACTED] on 18 October 2022. At paragraph 3 of that email Mr Baker stated *“I have a free period P5 and asked the geography teacher of the class is [sic] I could borrow the pupils to (a) send me a copy of the tik tok video they had made of me so I could show my [REDACTED] and (b) to show me how to put a video of my dog onto tik tok.”* The panel was of the opinion that Mr Baker had therefore made an early admission to the School that he accepted the behaviour alleged.

The panel also took into account the witness statements of Pupil A and Pupil B. The statements of Pupil A and Pupil B state *“Mr Baker stated “I’m going to pull you both out of next lesson” to Pupil B and Pupil A. Mr Baker went to their period 5 Geography lesson and collected Pupil B and Pupil A. He then took them both back to his room.”*

The panel assessed the weight and reliability of the evidence. On the balance of probabilities, the panel believed that it was more likely than not that Mr Baker took Pupil A and/ or Pupil B out of their lesson to watch and/ or show him TikTok videos.

In view of the panel's findings above, the panel was satisfied that Mr Baker's actions taken together were inappropriate and/ or breached professional boundaries.

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

Having found the allegation proved, the panel went on to consider whether it 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 dated February 2022, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Baker in relation to the facts found proved, involved breaches of the Teachers' Standards Guidance for School Leaders, School Staff and Governing Bodies ("the Standards"). The panel considered that, by reference to Part 2, Mr Baker was in breach of the following standards:

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

The panel also considered whether Mr Baker's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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 found that none of these offences were relevant.

The panel was presented with evidence from [REDACTED] that all staff at the School were instructed that they should not have any communication or social interaction with students. The panel was provided with a copy of the School's Code of Conduct for Employees, which it considered to be comprehensive. In the panel's view Mr Baker had clearly breached the professional boundaries and relationships, social contact with students and gifts and hospitality sections of the code.

The panel was not provided with any mitigation from Mr Baker, such as testimonials or a reflective piece. The panel did however take into consideration that the events occurred close to the end of term and very shortly before Mr Baker had retired, following a long career in teaching. Further, there is no suggestion that Mr Baker's conduct was sexually motivated and he had fully cooperated with the School's investigation.

The panel was satisfied that the conduct of Mr Baker amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In considering whether Mr Baker's conduct was such that it may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The panel was particularly concerned at the effect of Mr Baker's actions on Pupil A and Pupil C. In his evidence [REDACTED] explained that Pupil A had told him that she did not call Mr Baker, as he requested, as she felt uncomfortable. Likewise, Pupil C told [REDACTED] that he was scared by Mr Baker's message that suggested that he was looking forward to discussing Pupil C's text message with him. The panel noted that Pupil B had also blocked Mr Baker so that he could not contact her further, which suggested that she did not wish to maintain contact with him.

For the reasons set out above, the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Baker's status as a teacher, and damaging to the public perception of the teaching profession. The panel considered that a member of the public would be extremely troubled to learn that any teacher had behaved in this manner towards pupils.

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

In summary, having found the facts of the allegation proved, the panel further found that Mr Baker'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 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 protection of pupils;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

The panel also considered the case of *Wallace v Secretary of State for Education* [2017] EWHC 109 and, in particular, the proportionality test set out by the High Court, namely:

'whether a less intrusive measure could be used without unacceptably compromising the achievement of the relevant objectives and whether, having regard to these matters and the severity of the consequences for the individual, a fair balance can be struck between the rights of the individual and the interests of the public'.

In light of the panel's findings against Mr Baker, which involved inappropriate conduct and a breach of professional boundaries, there was a strong public interest in the safeguarding and wellbeing of pupils.

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

The panel also determined that there was a public interest in Mr Baker remaining in the profession. No doubt had been cast upon his abilities as a teacher. To the contrary, there

was evidence that he had a positive relationship with his students over the course of a long career.

Further, whilst the misconduct was serious, this was an isolated episode in the context of Mr Baker's career as a whole. Mr Baker has now retired and it is presently unclear as to whether he would seek to return to the classroom, and in what capacity.

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, also taking into account the effect that this would have on Mr Baker.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Baker. 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;
- abuse of position or trust (particularly involving pupils); and
- deliberate behaviour that undermines pupils, the profession, the school or colleagues.

Having found that some of the behaviours proved in this case indicated that a prohibition order may be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel considered that the following mitigating factors were present in this case:

- Mr Baker had not been subject to any previous regulatory proceedings. He had an otherwise unblemished record over the course of a long career.
- This was an isolated episode in the context of Mr Baker's career as a whole.
- There was positive evidence about Mr Baker's prior practice as a teacher. For example, there was evidence of positive engagement with pupils in that they wished to mark his retirement by making a Tiktok video about him.
- Mr Baker engaged fully with the School's investigation and disciplinary process, and made early admissions during the investigation.

- It was not alleged that Mr Baker's actions were sexually motivated. The panel was satisfied that he was, certainly initially, mainly focussed on obtaining the Tiktok video which had been produced for him as a retirement gift and which he wished to show to his [REDACTED].

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Baker's actions had had an impact on Pupils A, B and C, who all appeared to have felt uncomfortable by his phone contact with them outside school.
- Mr Baker was in a position of trust and responsibility as well as a role model. The panel considered he ought to have known what was expected of him as a highly experienced teacher, and should have conducted himself accordingly.
- Mr Baker's actions amounted to a breach of the Teachers' Standards.
- Mr Baker deliberately used a personal mobile phone to contact the students. The communications were a clear breach of the School's policies and procedures, which Mr Baker should have been familiar with as an experienced teacher.
- Although Mr Baker had fully engaged with the School's investigation, as he had not engaged with the TRA hearing, there was limited evidence of insight before the panel. The panel was not provided with any testimonials on his behalf.

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, on balance, a recommendation of no prohibition order would be both a proportionate and an appropriate response.

The nature of the proven conduct in this case was serious for the reasons outlined.

This was an instance of inappropriate conduct and professional boundaries being breached with two pupils. This meant there was a strong public interest in the safeguarding and wellbeing of pupils, maintaining public confidence in the profession and declaring and upholding proper standards of conduct.

For the reasons outlined, particularly in terms of some of the content of the communications, Mr Baker's actions were highly inappropriate.

However, having considered the mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case for the following reasons.

First, this was an isolated episode in the context of Mr Baker's career as a whole. The incident occurred close to the end of term and at a time when Mr Baker was due to retire.

Secondly, Mr Baker's actions were, whilst highly inappropriate, not malicious. This was not a malevolent course of conduct but an eroding of boundaries.

Thirdly, the panel carefully considered whether there was a risk of repetition and concluded that risk was limited. Having gone through this experience, the panel considered it was unlikely that Mr Baker would put himself in the same situation again. The panel was satisfied, on balance, that it was more likely than not that Mr Baker will have learnt important lessons and his mistakes were unlikely to be repeated. Mr Baker has expressed to the TRA that he is in any event unlikely to work again in any capacity due to ongoing health issues.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate or proportionate in this case.

Having very carefully taken account of the public interest considerations Mr Baker's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were acceptable.

When considered in conjunction with Mr Baker's long career, the panel did not think that his proven actions were fundamentally incompatible with his being a teacher.

The panel considered this was a proportionate outcome, which struck a fair balance between the public interest and Mr Baker's interests, particularly in circumstances where the panel's published findings will likely have a residual impact in terms of his professional reputation and future employment prospects.

In the panel's judgement, this recommendation protects pupils, given the limited risk of repetition, maintains public confidence and upholds professional standards.

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 sanction.

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 Baker should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

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

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

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

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 likely to 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 Baker, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, In light of the panel's findings against Mr Baker, which involved inappropriate conduct and a breach of professional boundaries, there was a strong public interest in the safeguarding and wellbeing of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Although Mr Baker had fully engaged with the School's investigation, as he had not engaged with the TRA hearing, there was limited evidence of insight before the panel. The panel was not provided with any testimonials on his behalf." In my judgement, the lack of evidence of insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "This was an instance of inappropriate conduct and professional boundaries being breached with two pupils. This meant there was a strong public interest in the safeguarding and wellbeing of pupils, maintaining public confidence in the profession and declaring and upholding proper standards of conduct."

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 or conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Baker himself and the panel comment "The panel also determined that there was a public interest in Mr Baker remaining in the profession. No doubt had been cast upon his abilities as a teacher. To the contrary, there was evidence that he had a positive relationship with his students over the course of a long career."

A prohibition order would prevent Mr Baker 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, "whilst the misconduct was serious, this was an isolated episode in the context of Mr Baker's career as a whole."

I have also placed considerable weight on the following findings of the panel;

"Mr Baker's actions had had an impact on Pupils A, B and C, who all appeared to have felt uncomfortable by his phone contact with them outside school."

“Mr Baker was in a position of trust and responsibility as well as a role model. The panel considered he ought to have known what was expected of him as a highly experienced teacher, and should have conducted himself accordingly.”

I have also given considerable weight to the following “The panel considered this was a proportionate outcome, which struck a fair balance between the public interest and Mr Baker's interests, particularly in circumstances where the panel's published findings will likely have a residual impact in terms of his professional reputation and future employment prospects.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Baker has made to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 21 March 2024

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