



Teaching
Regulation
Agency

Mr Thomas Howorth: Professional conduct panel outcome

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

April 2024

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

Teacher:	Mr Thomas Howorth
Teacher ref number:	N/A
Teacher date of birth:	14 February 1998
TRA reference:	19034
Date of determination:	25 April 2024
Former employer:	The Hawthorns Primary School, Wokingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 23 to 25 April 2024, to consider the case of Mr Thomas Howorth.

The panel members were Ms Mona Sood (lay panellist – in the chair), Mr Ian Hylan (teacher panellist) and Ms Gill Lyon (teacher panellist).

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

The presenting officer for the TRA was Mr Michael O’Donohoe of Browne Jacobson LLP solicitors.

Mr Howorth was present and was represented by Mr Marc Walker of What Rights Ltd.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 1 February 2024.

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

Whilst working as a Sports Coach and Teaching Assistant at The Hawthorns Primary School, Wokingham (the “School”) he:

1. Between 20 July 2019 and 21 July 2019 failed to maintain appropriate boundaries with a number of students and/or former pupils at the School on one or more occasions, including:
 - a. Allowing Pupil A and/or one or more other pupils to ‘follow’ him on Instagram;
 - b. Giving Pupil A his private mobile telephone number;
 - c. Exchanging messages and photographs with Pupil A via Instagram/WhatsApp, in particular:
 - i. Discussion of drinking alcohol;
 - ii. Discussing his relationship/rumoured relationship with Colleague A;
 - iii. Asking who Pupil A was attracted to;
 - iv. Using abbreviations for swear words/inappropriate language, such as ‘WTF’;
 - v. Enquiring as to Pupil A’s whereabouts;
 - vi. Instructing Pupil A not to follow other teachers on Instagram; and
 - vii. Instructing Pupil A not to tell his parents that they were exchanging messages.
2. His conduct as may be proved at Allegations 1(c)(vi)-(vii) was dishonest and/or lacked integrity in that he sought to conceal his contact with Pupil A.

Allegation 1 was admitted, except for Allegation 1(c)(vi).

Allegation 2 was not admitted.

It was not admitted by Mr Howorth that his conduct at Allegations 1 and 2 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The teacher applied to admit 2 documents.

The documents were not served in accordance with the requirements of paragraph 4.20 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession dated April 2018 (“the Procedures”). As such, the panel was required to decide whether those documents were to be admitted under paragraph 4.25 of the Procedures, at the discretion of the panel.

The panel took into account the representations from the teacher’s representative. The panel also noted that no objections were raised by the presenting officer.

The panel noted that, under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case, for the following reasons:

- The first document was a letter from [REDACTED], which was relevant as it contained a character reference for Mr Howorth; and
- The second document was an email from Colleague A [REDACTED], which was relevant as it contained a character reference for Mr Howorth.

By reason of the above, the panel decided to admit each of the documents.

Whilst no application was made, the panel still found it necessary to consider whether it had the jurisdiction to consider the case. In particular, the panel noted that Mr Howorth was not a qualified teacher, and that his role at the School was: Sports Coach and Teaching Assistant.

The panel noted paragraph 7 of the Teachers’ Disciplinary (England) Regulations 2012 (“the Regulations”), which states that a professional conduct panel must consider cases referred to it by the Secretary of State. The panel also noted paragraph 5 of the Regulations, which is the provision that covers the referral by the Secretary of State to the panel, and which states that cases only fall under consideration of the Secretary of State if they involve a teacher.

The panel noted that a teacher is defined in paragraph 2 of the Regulations as a person who is employed or engaged to carry out teaching work at: a) a school in England, b) a children’s home in England, c) a relevant youth accommodation in England, d) a children’s home in England, or e) when section 53 of the Education Act 2011 is fully in force, a 16 to 19 Academy.

The panel further noted that teaching work is defined in paragraph 3 of the Regulations as: a) planning and preparing lessons and courses for pupils, b) delivering lessons to pupils, assessing the development, progress and attainment of pupils, and c) reporting on the development, progress and attainment of pupils. “Delivering” includes delivering lessons through distance learning or computer aided techniques. These activities specified are not teaching work for the purposes of the Regulations, if the person carrying out the activity does so (other than for the purposes of induction), subject to the direction and supervision of a qualified teacher, or other person nominated by the headteacher to provide such direction and supervision.

There had been no objection or question raised by the teacher’s representative, or the presenting officer, as to whether Mr Howorth was a teacher for the purposes of paragraph 2 of the Regulations. However, in light of Mr Howorth’s role and his non-qualified status, the panel sought to confirm with Mr Howorth directly that he had undertaken teaching duties as part of this role.

Mr Howorth confirmed that as part of his role as Sports Coach and Teaching Assistant at the School, he undertook the following tasks:

- Preparing and planning lessons for groups and 1:1 sessions with pupils with additional needs;
- Delivering lessons to pupils in both a group setting and as part of 1:1 sessions with pupils with additional needs; and
- Assessing the development and progress of pupils.

Whilst Mr Howorth did not write the school reports himself, he confirmed that he would provide a breakdown to each teacher in respect of his views on the development and progress of the pupils he taught. The panel understood that Mr Howorth would deliver his lessons to pupils independently, both in a group setting and on a 1:1 basis for certain pupils. As a result, the panel was satisfied that Mr Howorth did perform teaching duties as part of his role.

Therefore, the panel was also satisfied that sufficient information was provided to confirm that Mr Howorth was a teacher within the definition of paragraph 2 of the Regulations, in order to proceed with the case.

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 5

Section 2: Notice of Hearing – pages 7 to 17

Section 3: Teaching Regulation Agency documents – pages 19 to 100

Section 4: Teacher documents – pages 103 to 109

In addition, the panel agreed to accept the following:

- The teacher’s response to the Notice of Hearing dated 1 March 2024, which was added at pages 110 to 112;
- A letter from [REDACTED], which was added at page 113; and
- An email from Colleague A, which was added at page 114.

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

Witnesses

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

There were no additional 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.

On 1 September 2018, Mr Howorth commenced employment at the School as a Sports Coach and Teaching Assistant. At the time, Pupil A was a year 6 student and in his final year at the School. The last day of the school year was on 19 July 2019.

On 23 July 2019, the father of Pupil A contacted the Safeguarding Governor at the School, stating that his son had been engaging in an Instagram and WhatsApp conversation with Mr Howorth, over the weekend of 20 and 21 July 2019.

The concerns were shared with the Acting Head of the School, who took advice from the Local Authority Designated Officer (“LADO”) and Human Resources team at Wokingham Borough Council. As a result, Mr Howorth was suspended on 6 August 2019 and a disciplinary investigation was commenced by the School.

On 30 August 2019, Mr Howorth attended an investigation meeting at the School.

The School’s investigation found that:

- Mr Howorth had been engaging in adult conversations with Pupil A via social media, which had included talking about being drunk, talking about girls and other adult conversations;
- Mr Howorth had instigated several conversations by text message and social media with Pupil A very late at night and early in the morning; and
- Mr Howorth had mentioned to Pupil A about not telling anyone about the conversations or that Mr Howorth had given his mobile number.

The findings from the School's investigation were reported back to the LADO, who did not undertake a separate investigation.

A disciplinary hearing took place on 7 November 2019. Mr Howorth was dismissed from the School on the same date.

On 20 January 2020, Mr Howorth was referred to the TRA.

Findings of fact

The findings of fact are as follows:

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

Whilst working as a Sports Coach and Teaching Assistant at The Hawthorns Primary School, Wokingham (the "School") you:

- 1. Between 20 July 2019 and 21 July 2019 failed to maintain appropriate boundaries with a number of students and/or former pupils at the School on one or more occasions, including:**
 - a. Allowing Pupil A and/or one or more other pupils to 'follow' you on Instagram;**
 - b. Giving Pupil A your private mobile telephone number;**
 - c. Exchanging messages and photographs with Pupil A via Instagram/WhatsApp, in particular:**
 - i. Discussion of drinking alcohol;**
 - ii. Discussing your relationship/rumoured relationship with Colleague A;**
 - iii. Asking who Pupil A was attracted to;**
 - iv. Using abbreviations for swear words/inappropriate language, such as 'WTF';**
 - v. Enquiring as to Pupil A's whereabouts.**

These allegations were admitted by Mr Howorth in his response to the Notice of Hearing dated 1 March 2024.

The panel had sight of numerous screenshots that were used as part of the School's investigation. Firstly, the panel had sight of a screenshot showing a list of individuals that 'followed' Mr Howorth on Instagram. Pupil A's Instagram account appeared on that list as one of Mr Howorth's 'followers', but the remainder of the list was redacted.

The panel heard oral evidence from Mr Howorth at the hearing. Mr Howorth explained that he had not activated the privacy settings on his Instagram account, which meant that his profile was open and any individual could locate his account and 'follow' him freely, without Mr Howorth having to approve any request to do so.

The panel also heard from Mr Howorth how, on the evening of 19 July 2019, he attended the School's end-of-year staff party. Mr Howorth explained how that evening, he was heavily intoxicated from consuming an excessive amount of alcohol at the party. In particular, Mr Howorth explained that he was so visibly intoxicated that his colleagues attempted to assist him into a taxi to go home, but that he decided to walk home instead. Mr Howorth explained that when he had got home from the party, he saw that Pupil A had started following him on Instagram.

The panel also had sight of a message sent by Mr Howorth to Pupil A on Instagram, which stated: "*Hey [Pupil A], don't have an issue with you following me but just don't follow any other teachers you see on here pls. Thank you*". The screenshot shows that this message was sent on 20 July 2019 at 12:38am. Mr Howorth confirmed to the panel that he sent this message (which was the first message sent as part of the exchange), once he was home from the staff party.

The panel heard from Mr Howorth how, at the time of sending this message to Pupil A, he was inebriated and therefore was not fully in control of his own behaviour. The panel accepted that Pupil A had been the one to first follow Mr Howorth on Instagram and there was no evidence to suggest that this had been previously encouraged by Mr Howorth. However, the panel felt that Mr Howorth's follow-up message to Pupil A in the early hours of 20 July 2019, stating that he did not "*have an issue*" with Pupil A following him on Instagram, was an active endorsement of Pupil A's interaction. Therefore, the panel felt this constituted Mr Howorth "allowing" Pupil A to follow him on Instagram.

The panel accepted that Mr Howorth was inebriated at the time of messaging Pupil A, and that he may not have been thinking rationally. However, the panel recognised that safeguarding principles proscribe teachers from having personal electronic contact with pupils. Therefore, upon becoming aware that a [REDACTED] year old pupil was following him on Instagram, the expectation would be for a teacher to not have engaged and reported it to the School without delay. The panel found that by failing to do this and allowing Pupil A to follow him on Instagram, Mr Howorth had failed to maintain appropriate boundaries.

The panel also had sight of an Instagram exchange between Mr Howorth and Pupil A, in which Mr Howorth provided his personal mobile phone number. The panel accepted that Pupil A had pressed for Mr Howorth's mobile phone number over multiple messages. In particular, Pupil A had sent the following messages: "*Whats ur phone number*", "*So plz*", and "*Plz*". In response to these messages, Mr Howorth stated: "*[personal mobile number]*. *You don't share it around or anything otherwise I get in trouble.*" As a result, Mr Howorth and Pupil A began communicating via WhatsApp in the early hours of 20 July 2019.

As part of his oral evidence, Mr Howorth accepted that he gave Pupil A his personal mobile phone number but that he could not explain the reason for doing so. Mr Howorth stated that he was still heavily intoxicated at the time, as he had just returned home from the staff party, but that he had always known that providing his mobile number to Pupil A was a mistake. The panel accepted this evidence.

The panel accepted that Mr Howorth did not offer his mobile phone number unsolicited, and that this was in response to Pupil A's repeated requests. Notwithstanding his state of inebriation, the panel noted that Mr Howorth did still understand, at the time, that it was wrong to give his mobile number to Pupil A, as he had recognised that he would "*get in trouble*" if Pupil A shared it around. Overall, the panel found this action to be a clear failure in upholding the appropriate boundary.

The panel had sight of a number of messages that were exchanged between Mr Howorth and Pupil A, over both Instagram and WhatsApp. In particular, the panel observed the following messages sent by Mr Howorth to Pupil A, in which Mr Howorth referred to being intoxicated:

- "*Ahaha that's a no, too drunk for that*" and "*I'm in bed extremely drunk*", which were both sent via Instagram in the early hours of 20 July 2019, in response to Pupil A attempting to engage in a video call with Mr Howorth;
- "*Trust we are*" which was sent via Instagram in the early hours of 20 July 2019, in response to Pupil A stating: "*I looked at u filming all the teachers they were WASTED*";
- "*But I've been sent home as I got too drunk and would've been sent home*", which was sent via Instagram in the early hours of 20 July 2019; and
- "*Head spinning but good wbu*" which was sent via WhatsApp at 01:07 on 20 July 2019, in response to Pupil A stating: "*Wassup*" "*Dog*".

The panel accepted Mr Howorth's oral testimony, which was that he was intoxicated when sending these messages and therefore not in total control of his actions. However, the panel also noted that it was Mr Howorth who started discussing the topic of being drunk and that it was highly inappropriate to discuss this with a child aged [REDACTED] years old.

The panel also had sight of the following messages that were sent in the evening of 20 July 2019, where Mr Howorth again referred to drinking alcohol:

- *“Ahaha Yh I am but not as bad as last night”* and *“I was a mess last night”* which were sent via WhatsApp at 23:22 and 23:23 on 20 July 2019, in response to Pupil A stating: *“Are u getting wasted again”*.

The panel accepted that in this instance, Pupil A initiated the discussion around alcohol. However, the panel found Mr Howorth’s responses on this occasion to be more concerning, particularly as they were sent far later on 20 July 2019 and that Mr Howorth confirmed in his oral testimony that he would not have been inebriated when sending these messages.

The panel found that both sets of messages in which Mr Howorth referred to being drunk were a clear failure to maintain appropriate boundaries.

The panel also had sight of messages sent by Mr Howorth to Pupil A, discussing his rumoured relationship with Colleague A, in particular:

- *“Ahah good joke”* which was sent via Instagram during the early hours of 20 July 2019, in response to Pupil A asking Mr Howorth if he was “with” Colleague A;
- *“And obvs not”* sent via Instagram during the early hours of 20 July 2019, in response to Pupil A stating: *“[redacted] said are you in the bath with [Colleague A]”*;
- *“And I don’t need to impress her”* which was sent via Instagram during the early hours of 20 July 2019, in response to Pupil A stating: *“Maybe in front of [Colleague A] to impress her tho”*; and
- *“Already told you and I mean it [Colleague A] and I are good friends”* sent via WhatsApp at 22:23 on 20 July 2019.

The panel acknowledged that the topic of Mr Howorth’s rumoured relationship with Colleague A was always initiated by Pupil A. The panel also noted that whilst Mr Howorth initially did not engage in this line of questioning, when he did, his responses were not particularly inappropriate when Pupil A asked about this rumoured relationship. Notwithstanding this, the panel had the view that Mr Howorth should not have engaged with Pupil A on this topic at all and by doing so on numerous occasions, Mr Howorth failed to maintain an appropriate boundary.

The panel also had sight of messages that were exchanged between Mr Howorth and Pupil A on 20 July 2019, in which they discussed who Pupil A “liked”. In particular, Pupil A had stated: *“[redacted pupil] keeps on asking me out”*, *“And im saying no”*, and *“Its sk annoying”*. In response to these messages, at 23:01, Mr Howorth stated: *“Do you not like anyone?”* and *“You can admit it now”*. The panel felt that Mr Howorth had initiated these messages which were clearly not appropriate in light of Pupil A’s young age and the teacher-pupil relationship. As a result, the panel felt it was a clear failure to maintain

appropriate boundaries by engaging on this topic with Pupil A, particularly by asking leading questions about the topic.

The panel had sight of the following messages which were sent by Mr Howorth to Pupil A, which appeared to include abbreviations for swear words:

- “*Why tf u buys still in uniform*” sent via Instagram in the early hours of 20 July 2019, in response to a video sent by Pupil A to Mr Howorth (which Mr Howorth explained was a video of Pupil A and 2 friends playing a games console); and
- “*Ffs*” sent via Instagram in the early hours of 20 July 2019, in response to Pupil A asking Mr Howorth for his mobile phone number.

The panel accepted Mr Howorth’s testimony that he was intoxicated when sending these messages and therefore, he was disinhibited. However, the panel still felt that this type of language was highly inappropriate for a teacher-pupil communication, and therefore found that Mr Howorth failed to maintain an appropriate boundary.

The panel also had sight of the following messages, sent by Mr Howorth to Pupil A, in which Mr Howorth queried as to Pupil A’s whereabouts:

- “*You round [redacted] or [redacted]?*” which was sent via Instagram during the early hours of 20 July 2019; and
- “*Ahaha you at [redacted]?*” which was also sent via Instagram during the early hours of 20 July 2019.

The panel found that Mr Howorth had initiated these messages, and that whilst he was intoxicated at the time, they were still inappropriate questions to ask of a child and pupil of that age.

Based on the messages available to the panel, the panel believed that Mr Howorth and Pupil A continued to communicate on WhatsApp until at least 23:12 on 20 July 2019. The School’s investigation report did allude to further messages being sent by Mr Howorth after this, but the panel did not have sight of any further messages beyond this date and time.

The panel noted from the School’s investigation report that, late in the evening of 20 July 2019, Pupil A’s father became aware of the messages exchanged with Mr Howorth throughout the day. As a result, he confiscated Pupil A’s phone. On 22 July 2019, Pupil A’s father then sent a text message to Mr Howorth which stated: *“I just wanted to let you know that we don’t allow [Pupil A] to converse with Adults using social media / phone and monitor his usage as you can probably understand. I know that this was as a result of him pestering you for contact means but hope you can appreciate why we set these boundaries.”*

Mr Howorth responded, on the same date, stating: “... *apologies, was a mistake from Friday night after too many beers- not an excuse or anything at all. Completely understand and was not [Pupil A’s] fault at all, fully mine.*”

Mr Howorth explained in his oral evidence that he had felt relieved when he received this message, because to him this meant that the situation was over.

Overall, the panel understood and accepted that the messages exchanged during the early hours of 20 July 2019 were as a result of Mr Howorth’s intoxication and disinhibition. The panel accepted that Mr Howorth recognised that this was a mistake, that it was a significant lack of judgment, and he remained extremely embarrassed as a result.

However, the panel was more concerned with the messages that were exchanged throughout the day and late into the evening on 20 July 2019. For example, the panel noted that Pupil A’s last message to Mr Howorth was at 14:37 on 20 July 2019, which stated: “No.” After this, the panel noted that Mr Howorth initiated a new conversation by sending a message at 22:15, stating: “*How’s your day been?*”. The conversation then continued for at least one hour, until 23:12, which is the last message visible to the panel.

In his oral testimony, Mr Howorth confirmed that during the afternoon and evening of 20 July 2019, he was at the local [REDACTED], where he continued to communicate with Pupil A via WhatsApp. Mr Howorth stated that whilst he may have consumed alcohol, he was not intoxicated or disinhibited. When asked why he continued to message Pupil A, Mr Howorth explained that he was in a state of panic, and felt particularly anxious about the situation. Mr Howorth also explained how as a result of this, he was subdued and quiet whilst he was at the [REDACTED], however, the panel noted that there was no evidence to corroborate this.

Mr Howorth stated that he wanted to “buy time”, so that he was able to consider the best possible exit from the situation, in a way that was the least harmful for both Pupil A and the School. At this point, Mr Howorth advised that he knew what he was doing was wrong, and he wanted to report it to the School, but he also did not want to immediately cease contact with Pupil A as he thought it would make the situation worse. In particular, Mr Howorth explained how he had a strong relationship with Pupil A as a result of coaching him in the School’s football team. Mr Howorth also explained how Pupil A had previously suffered with low self-esteem and he had worked with him to improve this. As a result, Mr Howorth stated that he wanted to ensure that he was not harming Pupil A, and he wanted the contact to end naturally. Mr Howorth repeatedly explained that his main concern was for Pupil A, and in response to questioning, stated that his intention had been to report the exchange to the School on the Monday.

However, the panel did not consider Mr Howorth’s explanation of why he continued to message Pupil A throughout 20 July 2019 to be a very credible one, in light of the messages they had seen. In particular, the panel felt that Mr Howorth’s oral evidence

was inconsistent with his actions, whereby he initiated the conversation with Pupil A from 22:15 onwards, and allowed the conversation to continue by asking Pupil A questions. The panel felt that there were numerous opportunities during the conversation where it could have ended naturally and would not have been harmful to Pupil A, but instead, Mr Howorth chose to continue the conversation. In particular, the panel was concerned that Mr Howorth initiated a new conversation with Pupil A late at night, and then proceeded to continue that conversation for an hour, whilst at the [REDACTED].

In light of: (i) the inappropriate nature of the messages sent by Mr Howorth to Pupil A, (ii) the inappropriate timings of the messages that were sent, and (iii) the fact that Mr Howorth initiated some of these communications and allowed them to continue, the panel found that Mr Howorth failed to maintain appropriate boundaries with Pupil A, as a result of his behaviour as set out at allegations 1(c)(i)-(v).

For the reasons set out above, the panel found allegations 1(a), 1(b) and 1(c)(i)-(v) proved.

The panel did note that whilst Mr Howorth had breached appropriate boundaries by virtue of his interactions with Pupil A, there was no evidence to suggest that there was any malign intent behind these interactions. In the panel's view, the breach of boundaries meant that the relationship between Mr Howorth and Pupil A was akin to a friendship (rather than a teacher-pupil relationship), and whilst this was still highly inappropriate, it did not go beyond that.

The panel found the following particulars of the allegations against you not proved, for these reasons:

1. Between 20 July 2019 and 21 July 2019 failed to maintain appropriate boundaries with a number of students and/or former pupils at the School on one or more occasions, including:

c. Exchanging messages and photographs with Pupil A via Instagram/WhatsApp, in particular:

- vi. Instructing Pupil A not to follow other teachers on Instagram; and**
- vii. Instructing Pupil A not to tell his parents that they were exchanging messages.**

The panel had sight of the following messages, sent by Mr Howorth to Pupil A via Instagram during the early hours of 20 July 2019:

- *“Hey [Pupil A], don’t have an issue with you following me but just don’t follow any other teachers you see on here pls. Thank you”*; and
- *“I’m being serious btw don’t follow any other teachers or anything. Will look wierd [sic]”*.

In his oral testimony, Mr Howorth explained that he had told Pupil A not to follow other teachers on Instagram simply because he knew it was wrong to do so, and he was directing Pupil A not to do something he knew was wrong. The panel accepted Mr Howorth's evidence and explanation of this. As a result, the panel felt that regardless of his motivation, Mr Howorth did observe appropriate boundaries (as opposed to breaching them) by directing Pupil A not to do something that would be in breach of the School's policies.

The panel also had sight of the following exchange between Mr Howorth and Pupil A via WhatsApp, on 20 July 2019:

- *"Your mum and dad know you've got my number btw?"* which was sent by Mr Howorth at 14:25;
- *"Idk" "Should i tell them?" "They wont mind"* which were sent by Pupil A at 14:25-14:26 in response to Mr Howorth's question; and
- *"Nah don't, just leave it for a bit" "Not that they'll have an issue" "But just leave it for a bit"* which was sent by Mr Howorth at 14:27.

The panel considered the specific wording of the allegation, which it considered to be narrow in scope. In light of the contents of the messages, the panel did not agree that Mr Howorth had "instructed" Pupil A to not tell his parents that he was "exchanging messages" with Mr Howorth. In particular, the panel noted that Mr Howorth had suggested that Pupil A delay telling his parents, and that there was an emphasis on asking Pupil A to *"leave it for a bit"*. In addition, the panel noted that this specific exchange between Mr Howorth and Pupil A related to Pupil A telling his parents that he had Mr Howorth's number, and not that they had been exchanging messages. There was no evidence provided to suggest that Mr Howorth had explicitly and specifically instructed Pupil A not to tell his parents that messages were being exchanged.

For the reasons set out above, the panel found allegations 1(c)(vi)-(vii) not proved.

2. Your conduct as may be proved at Allegations 1(c)(vi)-(vii) was dishonest and/or lacked integrity in that you sought to conceal his contact with Pupil A.

As allegations 1(c)(vi)-(vii) were found not proved, this allegation was found to be not proved.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Howorth in relation to the facts found proved involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Howorth 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

- ... at all times observing proper boundaries appropriate to a teacher’s professional position

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

The panel noted from the School’s investigation that they found Mr Howorth to be in breach of the School’s own policies. Whilst the panel had not been provided with the School’s policies or Code of Conduct as part of the evidence presented, taking into account their experience of the teaching profession, the panel found that having personal electronic contact with a child outside of school was highly unlikely to have been compliant with the School’s policies.

The panel also took into account the fact that Mr Howorth had accepted that he received safeguarding training before he started his role at the School, and he had recognised that his behaviour was wrong and not compliant with the School’s policies.

The panel noted from the evidence provided that Mr Howorth was held in very high regard by Pupil A. In particular, as part of the School’s investigation notes, Pupil A’s parents indicated that many of the pupils, including Pupil A “hero-worshipped” Mr Howorth. As a result of this and given his position of power and trust, there was a greater need for strict adherence with the School’s policies.

The panel was not satisfied that the conduct in relation to the facts found proved involved breaches of KCSIE or Working Together to Safeguard Children. In particular, the panel found that Mr Howorth had not personally posed a danger or a risk to Pupil A. In fact, the panel felt that Mr Howorth did recognise the need to safeguard Pupil A, by instructing him not to follow other teachers on Instagram. The panel noted that the School’s investigation also did not refer to breaches of any statutory provisions.

The panel considered the seriousness of the offence. The panel acknowledged that there was no malign intent or predatory behaviour behind the messages sent by Mr Howorth to Pupil A. The panel also acknowledged that the messages were limited to one weekend only. The panel also did not feel that Mr Howorth was harmful to Pupil A or other children, and there was considerable evidence as to his positive influence on pupils.

However, the panel also found that whilst the messages were limited in terms of timespan, they were not limited in terms of the length of the individual conversations and

the number of conversations that occurred over that one weekend. In particular, the panel noted that Mr Howorth initiated a separate conversation with Pupil A. In addition, the panel noted that this conversation had been initiated very late at night, for example, when Mr Howorth had messaged Pupil A to ask about his day at 22:15, despite Pupil A's last message being sent at 14:37 (which simply said: "No"). The panel also noted that Mr Howorth had provided his personal mobile phone number to Pupil A upon repeated requests, which had then escalated the situation as this allowed the conversation to continue via WhatsApp.

Whilst the panel accepted that Mr Howorth was intoxicated when sending the messages in the early hours of 20 July 2019 and could accept these were a "drunken mistake", the panel noted that Mr Howorth was not inebriated during the day and evening of 20 July 2019, but he still continued to message Pupil A despite knowing it was wrong to do so. The panel did not consider Mr Howorth's explanation of his reasons for doing this to be particularly credible, as it was entirely inconsistent with the contemporaneous evidence that it had seen.

The panel was concerned that whilst Mr Howorth stated that he had intended to bring the contact to an end, the contact had only stopped when Pupil A's father confiscated Pupil A's mobile phone, sent a message to Mr Howorth, and reported Mr Howorth to the School. The panel was also concerned that Mr Howorth was in a social setting, late at night, and continued to have a prolonged conversation with Pupil A for an hour. The panel found this to be highly inappropriate, with no credible explanation put forward by Mr Howorth. Mr Howorth prolonging the interaction beyond Pupil A's own initiation, whilst not under the influence of alcohol, indicated the serious nature of the misconduct.

The panel noted that, whilst Pupil A's father informed the School that in his opinion, Mr Howorth had "not massively overstepped any boundaries", the panel also noted that Pupil A's father was concerned enough to raise the behaviour with the School.

The panel paid particular attention to paragraph 26 on page 10 of the Advice, which states that: "*There may be behaviours, categorised as "low level" concerns, that could be an isolated incident that the headteacher on investigation could deem to be serious misconduct.*" The panel noted that "low level" is defined as "*a concern falling short of the harm threshold that would lead to an investigation into an allegation as set out in Section 1 of Part four of KCSIE.*" The panel noted that Mr Howorth's conduct (as found proved only) fell into the definition of a "low level" concern, but it was deemed to be serious misconduct by the School, as Mr Howorth was dismissed (although the panel also noted that there were significant gaps in the evidence presented to allow the panel to understand the full circumstances surrounding the dismissal). Taking into account the entire circumstances of the incident, and for the reasons outlined above, the panel agreed that Mr Howorth's conduct did constitute serious misconduct.

Accordingly, the panel was satisfied that the conduct of the teacher fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Howorth'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 were relevant.

The panel noted that the allegations took place outside the education setting. The panel did not feel as though the conduct affected the way Mr Howorth fulfilled his teaching role. However, the panel did find that it may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. In particular, the panel felt that as a result of Mr Howorth's messages, Pupil A was exposed to the topics of drinking, adult relationships and swearing, which are highly inappropriate topics for a child of that age.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel found that the findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that Mr Howorth's conduct could potentially damage the public's perception of a teacher. In particular, the panel found that the public and other parents would think it was unacceptable that a teacher was having communications outside of school with a [REDACTED] year old child, relating to inappropriate adult topics of conversation, and would be concerned about this from a safeguarding point of view. The panel noted that the School's investigation also revealed that other parents had become aware of this incident, and that it had raised safeguarding concerns.

Having found the facts of particulars of allegations 1(a), 1(b) and 1(c)(i)-(v) proved, the panel further found that Mr Howorth's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

behaviour and any mitigation offered by Mr Howorth 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, declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Howorth, which involved finding that he failed to maintain appropriate boundaries with Pupil A, as a result of interactions on both Instagram and WhatsApp, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate messages being sent to a child (albeit not with any malicious or predatory intent).

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

However, the panel also decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and the panel found that he was able to make a valuable contribution to the profession.

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 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.

Whilst the panel found that there was serious misconduct, it did not find that this seriously affected the education of pupils. Whilst the panel also found that this misconduct could

be seen to pose safeguarding concerns in respect of Pupil A at the time it occurred, the panel did not consider that there was a continuing or ongoing risk to the safeguarding or well-being of pupils.

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

The panel found that there was a significant amount of mitigation evidence to consider. Firstly, the panel considered that Mr Howorth was aged 21 at the time of the incident, and was a very inexperienced educator at the time he worked at the School. In particular, his route into teaching was through sports coaching and he was undertaking a foundation degree with a view to ultimately gaining qualified teacher status. As a result, Mr Howorth was still learning and gaining experience. The panel acknowledged that this would have contributed to Mr Howorth's actions, particularly in respect of how he dealt with the incident by not making an immediate report to the School. The panel noted that no evidence had been adduced as to what, if any, support was provided by the School to Mr Howorth. For example, there was minimal evidence of Mr Howorth's probationary period, his appraisals, or any evidence that the School provided (and repeated) any specific training in respect of safeguarding or boundaries, which the panel felt would have been necessary, given Mr Howorth's early career status.

Mr Howorth's actions were deliberate. There was no evidence to suggest that Mr Howorth was acting under extreme duress, e.g., a physical threat or significant intimidation. However, the panel did accept that Mr Howorth was heavily intoxicated and disinhibited during the early hours of 20 July 2019 as he had been celebrating the end of a successful school year. This resulted in him: (a) allowing Pupil A to follow him on Instagram, (b) providing his personal mobile number to Pupil A, and (c) having an exchange of messages with Pupil A during the early hours of 20 July 2019 (which had involved discussing being drunk, relationships and abbreviations for swear words). The panel accepted that this would have had an impact on Mr Howorth's state of mind, in that he would not have had total control of his actions and would not have been thinking rationally. The panel accepted that the messages during the early hours of 20 July 2019 were a drunken mistake and displayed a lack of judgment.

In respect of the messages that were sent during the day and evening of 20 July 2019, the panel acknowledged that by this point, Mr Howorth was in a state of panic and was feeling particularly shameful, guilty and anxious. Whilst the panel did not accept Mr Howorth's explanation of why he continued to message Pupil A (in particular, that he wanted the contact to end naturally), the panel did appreciate that this was another significant error of judgment as a result of Mr Howorth's young age and inexperience.

The panel also considered Mr Howorth's impact on both the School and the education sector generally. In particular, the panel heard evidence from Mr Howorth in which he set out his achievements and accomplishments from his time at the School. Mr Howorth stated that he had formed positive relationships with both staff and pupils at the School. In addition to delivering the PE curriculum, Mr Howorth also contributed to various extra-curricular sports. As part of this, Mr Howorth coached the year 6 football team and for the first time, the team had progressed to the national football cup semi-finals. Mr Howorth explained that this was a great experience for the pupils and the School, and that he received praise and recognition for this. As an example, the panel heard from Mr Howorth how, at the beginning of the staff party on 20 July 2019, the Acting Head of the School called upon Mr Howorth in front of the rest of the staff and publicly praised his first year at the School.

Mr Howorth also explained how at the end of the school term, the year 6 football team told him that they were grateful for the year, and presented him with a card and personalised gifts to say thank you.

In addition, as part of the School's investigation notes, the panel saw how Pupil A's father had specifically commented that Pupil A had a "fantastic year" whilst in year 6, and that this was "partly down to Mr Howorth". The panel also noted how Mr Howorth was "hero-worshipped" by Pupil A and other pupils.

There was no evidence to suggest that Mr Howorth was previously subject to disciplinary proceedings/warnings.

The panel also had sight of good character evidence in the bundle. Firstly, the panel had sight of a letter from [REDACTED], which explained that Mr Howorth had been a member of the [REDACTED] for the last 18 years. The letter explained that Mr Howorth had been captain of the first team over the last 5 years, and had led the [REDACTED] to its highest ever position. Mr Howorth also provides leadership to the overall adult section and the whole [REDACTED], including as part of the [REDACTED] committee.

The letter specifically stated that: *"[Mr Howorth] has performed these roles with tremendous success making contributions to the [REDACTED] in terms of fund raising, developing the culture of the [REDACTED], successfully navigating the [REDACTED] through the pandemic, the development of a Ladies section and being a [REDACTED] in the community."* The letter also went on to state that Mr Howorth has: *"had a particularly positive impact to the younger players and juniors at the [REDACTED] as a role model where his values of fairness, approachability, loyalty and work ethic shine through."* The letter finally confirmed that Mr Howorth is held *"in the highest esteem"* by the [REDACTED].

The panel noted that Mr Howorth had not been discouraged from supporting young people, and has continued to coach children outside of school at his [REDACTED] to

date. Based upon the character evidence provided, he has continued to make a positive impact on both the team and the [REDACTED] as a whole.

The panel also had sight of an email from Colleague A, in which she stated that Mr Howorth's *"actions were incredibly out of character."* Colleague A also stated that Mr Howorth: *"was a truly valuable addition to the education sector and had such positive influences on the children that he worked with. He shared his love of sport with the pupils and contributed massively to the school football team. [Mr Howorth] was also a fantastic learning assistant and had the makings of a brilliant teacher, showing so much passion for his role. He taught PE to my class weekly so I had frequent interactions with him on a professional level and also had the privilege of working alongside him on a residential trip. Kind and caring, [Mr Howorth] showed a genuine interest in not only the children in his care but everyone around him. I believe it is such a loss to not have [Mr Howorth] in the classroom as he would have made an outstanding teacher."*

The letter also stated: *"Recognising his significant misjudgment, [Mr Howorth] has shown integrity by acknowledging his mistake. It is such a shame that [Mr Howorth's] mistake has resulted in him not wanting to ever return to a career in teaching, a field he had so much potential in. I consider [Mr Howorth's] learnings from his mistake and the way I know he feels he has let himself down to be adequate punishment in itself."*

The panel noted that the reference from the [REDACTED] was unsigned, and the footer detailed senior officers of the [REDACTED], including one "[REDACTED]" as interim chair. The panel also accepted that Colleague A was a friend of Mr Howorth, having worked together at the School. However, the panel did note that the presenting officer raised no objections to these additional documents being admitted to the bundle.

The panel also accepted that the incident was out of character for Mr Howorth.

Having accepted Mr Howorth's oral evidence, the panel found that despite Mr Howorth's short tenure at the School, he did have a previously good history, and had demonstrated high standards in both his personal and professional conduct. In particular, the panel felt that Mr Howorth had a positive influence on the pupils that he taught, and also those children that he coached outside of school. Whilst the panel did not find that Mr Howorth had made a significant contribution to the education sector more generally, in order to satisfy the test in *Wallace v Secretary of State for Education [2017] EWHC 109*, largely due to his inexperience, the panel found there was sufficient evidence to demonstrate that he had the potential to do this, had he continued his teaching career.

The panel also considered the level of insight and remorse shown by Mr Howorth. The panel acknowledged that Mr Howorth had taken responsibility and accountability for his actions immediately after the conduct occurred, as demonstrated by his response to Pupil A's father on 22 July 2019. As part of this message, Mr Howorth apologised for his actions immediately, took full responsibility and did not attempt to place any blame on

Pupil A. Mr Howorth also expressed that he felt “relief” that the contact had been ended by Pupil A’s father.

In addition, the panel noted that Mr Howorth had immediately accepted responsibility for his misconduct, and expressed his remorse, at the School’s investigation meeting on 30 August 2019. During this meeting, Mr Howorth asserted that he made an error of judgment and that he had let himself down. Mr Howorth also continued to take responsibility for his actions at the School’s disciplinary hearing.

The panel also noted that Mr Howorth continued to take accountability for his actions, and demonstrated a considerable level of insight and remorse throughout the hearing. In particular, the panel noted the length of time that had passed since the referral to the TRA, and acknowledged that despite this, Mr Howorth attended the hearing and gave clear, consistent and helpful evidence to the panel following extensive questioning, to assist the panel in making its determination. Mr Howorth’s ongoing regret at the incident was evident.

At the hearing, Mr Howorth repeatedly expressed how remorseful and embarrassed he was about his own behaviour. This is consistent with his written evidence within the bundle, in which Mr Howorth described feeling “heartbroken” and “gutted”. Mr Howorth also expressed how he felt he had let himself and the School down. The panel heard from Mr Howorth how his entire behaviour throughout 20 and 21 July 2019 was a mistake, but that being drunk in the early hours of 20 July 2019 was not an excuse for this. Mr Howorth also stated that if he had the chance, he would have done things differently, by: (a) having his social media as private, (b) blocking Pupil A on Instagram, and (c) reporting it to the School immediately. Mr Howorth repeatedly expressed that he was frustrated and upset that he did not do this, but that he had learnt from this experience.

Mr Howorth expressed a high level of insight into his behaviour, and in particular, the impact of this upon Pupil A and the School. Mr Howorth repeatedly stated that he did not want to cause harm to Pupil A, but that he understood how his behaviour did pose a risk to Pupil A and why safeguarding policies were in place in order to protect the welfare of children.

The panel also heard from Mr Howorth how, following the incident, he voluntarily attended a Code of Conduct training which had a specific focus on the use of social media. The panel had sight of a certificate in the bundle, which confirmed that this training had been undertaken.

Overall, the panel felt that Mr Howorth expressed genuine shame, remorse and insight into his behaviour, and had demonstrated that he had learnt a valuable lesson.

As part of his evidence, the panel also heard from Mr Howorth as to his reasons for pursuing a teaching career in the first place. In particular, Mr Howorth explained that he

“fell into” teaching, but it was something that he really enjoyed. Mr Howorth explained that he felt he was making an impact on people’s lives, both in a group setting and whilst delivering 1:1 sessions to those with additional learning needs. Mr Howorth explained that he wanted to keep progressing his career, and enjoyed having more responsibility during his role at the School. Mr Howorth also stated that he was very proud of the pupils he taught, and was very proud to have been able to develop a close professional relationship with them.

As a result, the panel felt that whilst Mr Howorth demonstrated a significant lack of judgment in this instance, this was a mistake and did not impact upon Mr Howorth’s ability to be a strong addition to the profession. The panel did not feel as though Mr Howorth posed any current or future risk to pupils, children or the public.

For these reasons, the panel was strongly of the view that whilst there was a finding of serious misconduct which was justified in light of the facts found proven, the public interest considerations in retaining Mr Howorth in the profession strongly outweighed the adverse findings against him. In particular, the panel was satisfied that Mr Howorth expressed a considerable level of insight, guilt and remorse, and had demonstrated that he had made a positive contribution to his School and the children that he taught and coached. The panel agreed that Mr Howorth had a lot to offer to children and the wider community by teaching and/or coaching.

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 considered the guidance set out from the case of *Dr Bright Selvadurai Selverajan v GMC [2008] EWHC 281*. The panel acknowledged that it had now been almost 5 years since the conduct found proven took place, and considered the impact that this had on Mr Howorth. In particular, the panel felt that a prohibition order would now be solely punitive in nature.

The panel found that in light of Mr Howorth’s expressions of extreme remorse and guilt, the risk of repetition was very low. The panel also felt that Mr Howorth still had the potential to make a significant contribution to the education sector, and that in light of his achievements so far, it would be disproportionate to impose a punitive sanction which would deprive Mr Howorth of the opportunity to return to that career in the future.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given the length of time that has passed since the misconduct occurred, and having considered the extensive mitigating factors that were present including Mr Howorth’s positive contribution to those he taught and his good character evidence, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that that the findings of unacceptable professional conduct and/or 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 Thomas Howorth 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
 - ... at all times observing proper boundaries appropriate to a teacher's professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

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

The findings of misconduct are serious as they include a failure to maintain appropriate boundaries with pupils.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Howorth, 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 Mr Howorth, which involved finding that he failed to maintain appropriate boundaries with Pupil A, as a result of interactions on both Instagram and WhatsApp, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate messages being sent to a child (albeit not with any malicious or predatory intent).”

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 it sets out as follows:

“The panel considered that Mr Howorth’s conduct could potentially damage the public’s perception of a teacher. In particular, the panel found that the public and other parents would think it was unacceptable that a teacher was having communications outside of school with a [REDACTED] year old child, relating to inappropriate adult topics of conversation, and would be concerned about this from a safeguarding point of view. The panel noted that the School’s investigation also revealed that other parents had become aware of this incident, and that it had raised safeguarding concerns.”

I am particularly mindful of the finding in this case of a failure to maintain proper boundaries with a child and the negative impact this 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 unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Howorth himself. The panel observes that:

“Whilst the panel did not find that Mr Howorth had made a significant contribution to the education sector more generally, in order to satisfy the test in *Wallace v Secretary of State for Education [2017] EWHC 109*, largely due to his inexperience, the panel found there was sufficient evidence to demonstrate that he had the potential to do this, had he continued his teaching career.”

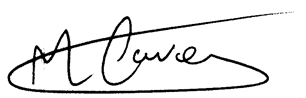
The panel also records having seen several pieces of evidence attesting to Mr Howorth’s good character and his positive impact on young people.

A prohibition order would prevent Mr Howorth 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 concluding remarks concerning both the degree of insight and remorse demonstrated by Mr Howorth and the potential positive contribution that he could make to the profession in the future:

“The panel found that in light of Mr Howorth’s expressions of extreme remorse and guilt, the risk of repetition was very low. The panel also felt that Mr Howorth still had the potential to make a significant contribution to the education sector, and that in light of his achievements so far, it would be disproportionate to impose a punitive sanction which would deprive Mr Howorth of the opportunity to return to that career in the future.”

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 'M. Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 29 April 2024

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