



Teaching
Regulation
Agency

Mr Oliver Barron: Professional conduct panel hearing outcome

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

July and August 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	9
Documents	9
Witnesses	10
Decision and reasons	11
Findings of fact	11
Panel's recommendation to the Secretary of State	19
Decision and reasons on behalf of the Secretary of State	24

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

Teacher:	Mr Oliver Barron
TRA reference:	21072
Date of determination:	21 August 2024
Former employer:	St Augustine's School, Sandybed Lane, Scarborough, North Yorkshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 July 2024 to 2 August 2024 and again on 21 August 2024 by way of a virtual hearing, to consider the case of Mr Oliver Barron.

The panel members were Mr Alan Wells (Former Teacher Panellist) – in the chair, Ms Beverley Montgomery (Lay Panellist) and Ms Joanna Hurren (Teacher Panellist).

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

The presenting officer for the TRA on 29 July 2024 was Ms Sarah Vince of Browne Jacobson Solicitors.

The presenting officer for the TRA on 30 July to 2 August and 21 August 2024 was Ms Charlotte Watts of Browne Jacobson Solicitors.

Mr Oliver Barron was present and was represented by Mr Jonathan Storey, Cornwall Street Chambers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 29 April 2024.

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

Whilst employed as a Teacher at St Augustine's Catholic School between 2002 and 2022:

1. He failed to maintain appropriate professional boundaries with one or more pupils by
 - a. Asking Pupil A to sit on his knee;
 - b. Inviting one or more pupils to have food in a secluded part of his classroom;
 - c. Encouraging Pupil B to take piano lessons with him and not with the Piano Teacher;
 - d. Telling Pupil B that he offered the piano lessons to her because she was "special" or words to that effect;
 - e. Sitting close to and/or leaning over Pupil B during the piano lessons when they were alone together;
 - f. Touching Pupil B's leg on one or more occasions.
2. His conduct as may be found proven at allegations 1a and or 1f was conduct of a sexual nature and/or sexually motivated.
3. He engaged in unprofessional behaviour and/or failed to maintain appropriate boundaries in that he messages one of more pupils via text message and/or social media, in which he:
 - a. Engaged in discussions unrelated to schoolwork;
 - b. Stated to Pupil C:
 - i. 'love u [Pupil C]!!!!';
 - ii. 'U mean so much to me'
 - c. Stated to Pupil D:
 - i. [Pupil D Pupil D Pupil D Pupil D]!!!! My favourite person!!! U do make me smile u know'
 - ii. 'U know how much I appreciate u [Pupil D]!! Love u to bits!!!]
 - iii. 'now go revise my little star'
 - iv. 'happy birthday egg!!! Hope u have an amazing day, u deserve everything u get u star of brightness!!!!'
 - v. 'of course u are my amazing [Pupil D]'
 - vi. 'love u [Pupil D] mate'
 - vii. 'I bet u would have looked stunning' in relation to Pupil D in a dress
 - d. Offered to visit Pupil D [REDACTED] on one or more occasions;

- e. Offered to take chocolate, magazines, pizza and DVDs to Pupil D [REDACTED];
- f. Gave and/or intended to give Pupil D a gift for her birthday;
- g. Stated to Pupil E:
 - i. 'love that dress! Stunning!'
 - ii. 'U r a star u know'
 - iii. 'love u [nickname]'
 - iv. 'u r one of prettiest in the choir!!!'
 - v. 'Also, keep smiling! U made my bad day a lot better... thank u x'
 - vi. 'just smart dress or skirt please, shoulders covered. Hair down. Make up on. Looking beautiful!' in response to Pupil E's question of what to wear;
- h. Offered a lift to Pupil E

Mr Barron denied allegations 1c, d, e and f. He admitted allegation 3, with the caveat that at the relevant time of allegation 3a Student 3 was not a pupil. Mr Storey also queried the wording of allegation 3f, which he said did not flow from the stem of the allegation.

Mr Barron did not admit or deny that his conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute. He left this for the panel to determine.

Preliminary applications

Application for the hearing to be held in private

Mr Storey made an oral application to hear part of the proceedings in private when matters of Mr Barron's health were raised, in order to protect Mr Barron's interests and personal life.

This application was not opposed by the TRA.

In determining the application, the panel had careful regard to the parties' submissions, and accepted the legal advice provided.

The panel took account of the fact that there is a presumption that hearings of this nature will take place in public and there is a legitimate public interest in the openness and transparency of the TRA's disciplinary procedures.

The panel agreed that any references to Mr Barron's health should be heard in private, as this is a sensitive matter. That would not be contrary to the public interest. The panel invited the parties to notify it if, at any stage, it was anticipated that it would be necessary to go into private session.

Application for anonymisation

An oral application was made on behalf of the TRA for the anonymisation of certain individuals, namely:

- Pupil B;
- Pupil B's mother; and
- Student 3.

In her application, Ms Vince submitted that anonymity was necessary and appropriate, in the specific circumstances of this case, to ensure that the witnesses were in the best position possible to provide their evidence openly to the panel.

With specific reference to Pupil B, Ms Vince highlighted that she is a child witness, which necessitated anonymisation. Ms Vince suggested that, if Pupil B is to be anonymised, her mother should also be anonymised to prevent the 'jigsaw' identification of Pupil B. Likewise, even though Student 3 [REDACTED], Ms Vince invited the panel to grant her anonymity. She was [REDACTED] St Augustine's Catholic School ("the School") at the relevant time.

The panel was also made aware by Ms Vince of an application for anonymity that had been received via email from the School's solicitors. This read as follows:

"As you are aware, I act for St Cuthbert's Roman Catholic Academy Trust which includes St Augustine's, Scarborough. I am aware that the TRA Professional Conduct Panel for Mr Oliver Barron commences on Monday morning and you are the Presenting Officer. I apologise for the timing of this e mail but following a review of the pending hearing by my client's new CEO, I have been asked to make urgent representations to the Panel to request that St Augustine's name is not mentioned in any public hearing, nor in any decision that is published following the hearing. I note that in the notice of hearing online, Mr Barron is started to be "formerly employed in Scarborough, Yorkshire and Humber" and this would be acceptable to my client...

...My client's concern is that as the evidence will identify Mr Barron as a Music teacher and will also make reference to a specific overseas trip, then the combination of this information and the notification of the school name may, on a balance of probabilities, cause the children in respect of whom allegations are made against Mr Barron, several of whom have assisted the Panel in giving evidence, to be identified. [REDACTED] St Augustine's but my client's concern extends to former students of the school and whether still a minor or not.

My client appreciates that such a request is perhaps unusual and also that the mere publication of Mr Barron's name in due course, regardless of the outcome of the hearing, may cause the school to be identified online. However, the trust and school believe they

have a duty to do their best to protect the identity of students and whilst they can do little with online disclosure, requesting that the School's name is not referenced and / or is redacted from any publication will go some way to protecting their students and ex-students especially in preventing publication in mainstream media."

As a starting point, the panel recognised that there is a presumption that hearings will take place in public and that the identity of parties, witnesses and relevant third parties will be referred to in public.

The panel had firmly in mind the importance of open justice and the need for any interference to be exceptional and justified.

The public nature of these proceedings is important, not least as it maintains public confidence in the administration of justice.

Mr Storey adopted a neutral position in response to the applications.

The panel carefully considered the submissions made and accepted the legal advice provided. It dealt with each application separately.

In relation to the TRA's application for anonymity for Pupil B, Pupil B's mother and Student 3, the panel agreed that an anonymity order was necessary and appropriate. In particular, Pupil B and her personal circumstances were at the very core of these proceedings and she was expressly referenced in the allegations.

The panel concluded that if the relevant parties were not anonymised, there was a real and tangible risk that Pupil B and Student 3 could be identified. Pupil B's mother's position was inevitably linked to Pupil B and it agreed with Ms Vince that there was a risk of 'jigsaw' identification.

In the specific circumstances of this case, the panel considered that risking all three witnesses' identification would be contrary to the interests of justice. It was not satisfied that there was any other measure, short of an order for anonymity, which would achieve the same result and meet the panel's concerns, despite the consequential impact on open justice.

The panel also considered the application for anonymity made by the School's solicitors. It did not consider that an anonymity order was necessary or appropriate. The email application did not identify any specific pupils at risk of 'jigsaw' identification, nor did it demonstrate that any distress would be caused to pupils if the school's name was mentioned in public. The panel noted that, in any event, most of the pupils involved have now left the School. It bore in mind the legal advice provided, that in general terms parties and witnesses have to accept the embarrassment and damage to their reputation that may follow from being involved in proceedings. The panel concluded that there was

no objective foundation for the School's request for anonymity, going beyond a simple desire not to be named. As a result, allowing the School to remain anonymous would be contrary to the interests of open justice, and the application was not granted.

Application for special measures

Ms Vince did not make a formal application for special measures for Pupil B, however she informed the panel that until the first day of the substantive hearing she had intended to do so. She explained that the TRA was going to make an application for Pupil B to have a supporter to accompany her throughout her evidence. However, unfortunately, on the first day of the hearing Ms Vince had been advised that the allocated supporter was not able to attend, and no one else was available to step in at short notice. Ms Vince wished to put the panel on notice of this issue, in case she needed to make a formal application for alternative special measures for Pupil B in due course.

The panel asked Ms Vince whether she would wish to take Pupil B's evidence out of turn in order to ensure that an alternative supporter was available. However, Ms Vince advised that she did not wish to re-arrange Pupil B's evidence as Pupil B had been informed that she was to be the first witness called by the TRA, and she was keen to complete her evidence as expediently as possible.

Application to amend the allegation

An application was made by the TRA to amend the wording of allegation 3 to address a typographical error. The application was to amend the allegation from:

3. He engaged in unprofessional behaviour and/or failed to maintain appropriate boundaries in that he messages one of more pupils via text message and/or social media...

to:

3. He engaged in unprofessional behaviour and/or failed to maintain appropriate boundaries in that he messed one or more pupils via text message and/or social media...

The application was supported by Mr Storey.

The panel agreed to the application. The proposed amendment was only to correct a typographical error. It did not alter the substance of the allegation, or result in new factual particulars being alleged. There was no prejudice to Mr Barron as a result of the proposed amendment, and indeed it was to his benefit that the allegations were correctly

drafted. The panel had regard to the wider public interest in ensuring that allegations are properly put and do not contain technical deficiencies. In the circumstances of this case, it concluded that the public interest and interest of justice required the allegation to be amended.

Application to discontinue

Ms Vince made an application to discontinue allegations 1a, 1b and 2 on the basis that there was insufficient evidence presented by the TRA to support the allegations. She did not seek to adjourn the case for further evidence to be obtained, nor did she make an application to rely on hearsay evidence.

The application was supported by Mr Storey.

The panel considered whether allegations 1a, 1b and 2 should be discontinued. It considered it regrettable that the TRA's application was only made on the first day of the substantive hearing. In particular, in relation to allegation 2, Mr Barron has had a very serious allegation of sexually motivated conduct hanging over him for a substantial period of time. The panel did not consider this to be fair to Mr Barron.

The panel concluded that there was no practical alternative but to discontinue the allegations. In the absence of sufficient evidence, it would not be possible for Mr Barron to receive a fair hearing, and it would offend the panel's sense of justice and propriety to continue to hear the proceedings against Mr Barron in relation to allegations 1a, 1b and 2 in the particular circumstances of the case.

The panel accordingly directed that allegations 1a, 1b and 2 should be discontinued.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 6 to 22

Section 2: Chronology and anonymised pupil list – page 24

Section 3: Teaching Regulation Agency witness statements – pages 26 to 52

Section 4: Teaching Regulation Agency documents – pages 54 to 217

Section 5: Teacher documents – pages 219 to 479

In addition, the panel agreed to accept an emailed application for anonymity from the School's solicitors.

It also had sight of four videos of school performances submitted by Mr Storey.

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing, in addition to the School's application for anonymity. The panel confirmed that it has also watched the four videos provided by Mr Storey.

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

Witnesses

The panel heard oral evidence from Pupil B, Pupil B's mother, Student 3 and Individual 1. Those witnesses were called by the presenting officer.

The panel heard oral evidence from Mr Barron. It also heard oral character evidence from Individual 2, Individual 3, Individual 4 and Individual 5. These witnesses were called on Mr Barron's behalf by Mr Storey.

Unfortunately, after the first day of the substantive hearing, Ms Vince was taken ill and a new presenting officer for the TRA, Ms Charlotte Watts, took over conduct of the hearing. At the close of the TRA's case, Ms Watts requested a short adjournment to review a recording of the evidence heard on the first day of the substantive hearing, in order for her to prepare to cross-examine Mr Barron. This application was not opposed by Mr Storey. The panel granted the application in the interests of justice, as it considered that it was only right that Ms Watts had sufficient time to properly prepare the case on behalf of the TRA.

The three character witnesses called by Mr Storey were heard out of turn, ahead of Mr Barron's own oral evidence, both in order to accommodate their availability and to ensure the effective use of time prior to Ms Watts being in a position to cross-examine Mr Barron.

Decision and reasons

The panel announced its decision and reasons as follows:

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

The School is a Catholic School in Scarborough, a small seaside town in North Yorkshire. At the relevant time it had approx. 550 to 600 pupils and was a mixed gender school for students in years 7 to 11.

Mr Barron started working at the School on 1 September 2002. He was appointed as Head of Music in 2008, stood in as Head of Year 8 in 2009 and was Head of Year 8 and Head of Music until around 2011, when he stepped down as Head of Year 8. Mr Barron continued to be the Head of Music until 17 February 2022.

On 11 February 2022 Individual 1 disclosed that during a conversation with ex-pupils, they had described Mr Barron as “huggy” and “texty”.

An investigation meeting was held on 14 February 2022 and Mr Barron was interviewed. As part of that interview Mr Barron was asked to share his login details for a music department Facebook account that he had set up via his personal email. The account was reviewed and several messages were found between Mr Barron and pupils.

Mr Barron was suspended on 17 February 2022.

Mr Barron resigned on 8 July 2022, prior to a disciplinary hearing listed on 11 July 2022.

A referral was made to the TRA on 31 August 2022.

Findings of fact

The findings of fact are as follows:

Whilst employed as a Teacher at St Augustine’s Catholic School between 2002 and 2022:

1. He failed to maintain appropriate professional boundaries with one or more pupils by:

- c. Encouraging Pupil B to take piano lessons with him and not with the Piano Teacher;**
- d. Telling Pupil B that he offered the piano lessons to her because she was “special” or words to that effect;**
- e. Sitting close to and/or leaning over Pupil B during the piano lessons when they were alone together;**
- f. Touching Pupil B’s leg on one or more occasions.**

The panel heard oral evidence from Pupil B and her mother.

Pupil B was a [REDACTED] of the School, [REDACTED]. Mr Barron was her Music Teacher. Pupil B said she had felt close to Mr Barron. She saw him as a best friend and a father figure, and felt that she could open up to him and “get vulnerable”.

Pupil B recalled that when she was in [REDACTED] Mr Barron had told her that she was talented and had the potential to be a gifted pianist. He had offered to give her private piano lessons, and her parents had agreed to this. Whilst there was an opportunity to take lessons from another piano teacher, Mr Barron had told Pupil B that he would be happy to teach her as he felt that she was talented. He was also willing to offer lessons at a discounted price.

Pupil B described the private lessons taking place on a 1:1 basis during school time and she would be taken out of class to attend them. She told the panel that during the piano lessons Mr Barron would sit close to her and “squidge up” on the stool with her. She said he would breathe down her neck and had put his hand on her thigh “casually” on two occasions, once when he reached over to get a book and once when he hit her thigh lightly to signal the end of the lesson. She said that she didn’t play the piano much in the classes, and that they mainly talked. Mr Barron would ask her if she wanted a hug or would put his arm around her. She felt as if he were trying to be a friend rather than a teacher. Pupil B [REDACTED] described herself as “upset and vulnerable”. Pupil B told the panel that she became uncomfortable having private classes with Mr Barron and had asked her mother to stop them when she was in year 8.

Pupil B said that during music classes between year 7 and the beginning of year 9, the other pupils would sit around the outside of the room and Mr Barron would make her sit alone in the middle of the room. Mr Barron would ask Pupil B to demonstrate to the rest of the class on his piano and she felt he was trying to make her feel special. She told the panel that during the lessons he would whisper in her ear, tell her how pretty she was, “hype her up” and ask her about classroom gossip. She found this intrusive. [REDACTED]. Pupil B explained that she initially thought that Mr Barron was just being friendly, but as she got older she began to reflect on his behaviour and was concerned that there may have been an ulterior motive.

Pupil B acknowledged that once her private piano lessons had ended, she had continued to be part of the choir and to sit in Mr Barron’s music room before school and during breaks. She disclosed her concerns around Mr Barron’s behaviour to her mother in or around July or August 2022. She said she only felt able to do this after Mr Barron had left the School in February 2022. Following this disclosure, Pupil B and her mother had spoken to Individual 6 [REDACTED] the School’s Safeguarding Team and Pupil B’s [REDACTED]. Pupil B was unable to recall exactly when this was. Pupil B said that she had also reported the matter to the police to seek reassurance that Mr Barron was no longer in the area. She felt that the School was not keeping her updated on the investigation. Pupil B was unsure of the date that this was reported, and no police report was provided to the panel.

Pupil B explained that she did not know why Mr Barron had left the School and there were lots of rumours circulating about him amongst staff and pupils. The more Pupil B ruminated on Mr Barron's behaviour towards her during years 7 and 8, the more concerned she felt about it. [REDACTED].

Pupil B's mother also gave evidence to the panel. Her evidence was more limited than that provided by Pupil B as she did not witness the incidents first hand, and much of her evidence was hearsay. For this reason, the panel attached less weight to her evidence than it did to that of Pupil B.

Pupil B's mother explained that Mr Barron had treated Pupil B like a piano "prodigy" and wanted to teach her himself as she was so talented. She was unable to recall exactly when Pupil B had stopped having private piano lessons with Mr Barron. She did remember that Pupil B had told her when she was in year 8 that she was uncomfortable having lessons with Mr Barron and wanted to stop, but did not provide any detail as to why she felt uncomfortable. Pupil's B's mother stopped the lessons, but at the time did not feel sufficiently concerned to report anything to the School about her daughter feeling uncomfortable around Mr Barron.

Pupil B's mother described that when Mr Barron left the School Pupil B opened up to her and told her what had happened. She told the panel what Pupil B had disclosed. The panel noted some discrepancies between this and Pupil B's account to the panel. In particular, she said that on one occasion Mr Barron had placed his hand between Pupil B's legs. This was inconsistent with the account provided by Pupil B to the panel.

Mr Barron denied all the allegations made against him by Pupil B. To his recollection the private piano lessons with Pupil B ended due to Covid. He was not aware that Pupil B felt in any way uncomfortable. Mr Barron claimed that Pupil B's recollections were incorrect, and had been tainted both by the rumours that had spread around the School following his suspension and by the case of a Scarborough teacher who was jailed in February 2022 for sexually abusing children.

The panel was satisfied from the evidence heard during the hearing that Mr Barron had considered Pupil B to be a talented piano player, and had encouraged her to take private lessons. The panel did not consider this encouragement to be any different from that given by Mr Barron to other pupils in whom he recognised potential. Mr Barron acknowledged that he had wanted to teach Pupil B himself as she was so gifted, but there was no evidence to suggest that he had discouraged her from taking lessons with another piano teacher. Likewise, as Mr Barron recognised Pupil B's musical potential, he may well have told her she was "special" or words to that effect. Mr Barron told the panel that he often used such terms to encourage pupils and to improve their confidence. Again, the panel did not consider this encouragement to be any different from that given by Mr Barron to other pupils in whom he recognised potential. The panel did not consider that encouraging Pupil B to take piano lessons with him or telling Pupil B that he offered

the piano lessons to her because she was “special” or words to that effect demonstrated a failure to maintain appropriate professional boundaries in the circumstances.

In considering the nature of piano lessons and how they are conducted, the panel drew upon its own experience of such lessons, in addition to hearing evidence from Mr Barron and Individual 5. It was of the view that a piano teacher sitting close to and/or leaning over a pupil during a private piano lesson was routine and would not indicate a failure to maintain appropriate professional boundaries.

In considering allegation 3f, the panel took into account the witness statement that Pupil B provided to the TRA in January 2024 and the notes made in a ‘Staff Low Level Concern Log’ by Individual 6 on 23 November 2022, summarising a meeting she had had with Pupil B. The panel noted a number of inconsistencies between the account given by Pupil B to it at this hearing, that given to Individual 6 and the statement she provided to the TRA. Whilst the panel acknowledged that Individual 6’s notes were only a summary of the meeting and were not intended to be a verbatim record, these were material inconsistencies which affected the reliability of Pupil B’s evidence. [REDACTED].

The panel was satisfied that Pupil B had done her best to assist it in giving her evidence. However, there were inconsistencies in her evidence which the panel regarded as significant and which could not be fully explained by the passage of time. The panel bore in mind that memories are fluid and malleable. The panel concluded that, in isolation, Pupil B’s evidence could not be relied upon in order to find the allegations proven.

The panel found allegations 1c-f not proven.

3. He engaged in unprofessional behaviour and/or failed to maintain appropriate boundaries in that he messages one of more pupils via text message and/or social media, in which he:

- a. Engaged in discussions unrelated to schoolwork;
- b. Stated to Pupil C:
 - i. ‘love u [Pupil C]!!!!’;
 - ii. ‘U mean so much to me’
- c. Stated to Pupil D:
 - i. [Pupil D Pupil D Pupil D Pupil D]!!!! My favourite person!!! U do make me smile u know’
 - ii. ‘U know how much I appreciate u [Pupil D]!! Love u to bits!!!’
 - iii. ‘now go revise my little star’
 - iv. ‘happy birthday egg!!! Hope u have an amazing day, u deserve everything u get u star of brightness!!!!’
 - v. ‘of course u are my amazing [Pupil D]’
 - vi. ‘love u [Pupil D] mate’
 - vii. ‘I bet u would have looked stunning’ in relation to Pupil D in a dress
- d. Offered to visit Pupil D [REDACTED] on one or more occasions;

- e. Offered to take chocolate, magazines, pizza and DVDs to Pupil D [REDACTED];
- f. Gave and/or intended to give Pupil D a gift for her birthday;
- g. Stated to Pupil E:
 - i. 'love that dress! Stunning!'
 - ii. 'U r a star u know'
 - iii. 'love u [nickname]'
 - iv. 'u r one of prettiest in the choir!!!'
 - v. 'Also, keep smiling! U made my bad day a lot better... thank u x'
 - vi. 'just smart dress or skirt please, shoulders covered. Hair down. Make up on. Looking beautiful!' in response to Pupil E's question of what to wear;
- h. Offered a lift to Pupil E

Mr Barron admitted allegation 3, with the caveat that at the relevant time of allegation 3a Student 3 was no longer a pupil at the School. Mr Storey also queried the wording of allegation 3f, which he said did not flow from the stem of the allegation.

The panel was presented with screenshots of Facebook messages between Mr Barron and pupils C, D and E. It also had sight of WhatsApp messages between Mr Barron and Student 3. Student 3 was a former pupil [REDACTED] at another educational establishment at the relevant time. Pupils C, D and E were on the School's roll as pupils at the relevant time.

Mr Barron told the panel that the music department's Facebook account was not monitored by the School, and he was the only one able to send messages from that account. The School had a Code of Conduct in place governing 'communication with children including the use of technology' and 'transporting pupils'. Mr Barron did not appear to be familiar with this Code of Conduct.

In relation to allegation 3a, the panel was satisfied from the Facebook messages provided between Mr Barron and Pupils C, D and E that he had engaged in discussions with those pupils unrelated to schoolwork. This had included topics such as television and Mr Barron's children. As Student 3 was not a pupil at the School at the relevant time, the panel was not satisfied that the WhatsApp messages between her and Mr Barron were relevant to this allegation.

The panel went through allegations 3b to h and located the direct quotes or corresponding messages from the Facebook messages provided between Mr Barron and Pupils C, D and E. It was satisfied that it was able to locate all the direct quotes or corresponding messages.

In relation to allegation 3f, the panel read Mr Barron's Facebook message to Pupil D in which he asked where she was and told her that he had bought two chocolate bars for

her birthday. Mr Barron accompanied this message with a photograph of two chocolate bars. Whilst the panel acknowledged Mr Storey's query over the wording of the allegation, the panel was of the view that this was a grammatical issue. The message clearly demonstrated an intention on Mr Barron's behalf to give Pupil D a gift of two chocolate bars for her birthday.

On the balance of probabilities, the panel found allegations 3a to h proven.

The panel went on to consider whether Mr Barron's behaviour as found proven in relation to allegations 3a to h was unprofessional and/or failed to maintain appropriate boundaries. It concluded that, both individually and collectively, the behaviour was unprofessional and failed to maintain appropriate professional boundaries.

The panel took into account the wider context of this case. Mr Barron was Head of Music and running a popular and highly regarded music department. He was held in high esteem by the pupils, who looked to him to set an example, act as a role model and keep them safe. The panel considered the nature and timing of the messages and the language used. It was satisfied that communicating with pupils in the manner set out in allegations 3a to h would be regarded as unprofessional behaviour by a teacher, and would clearly cross professional boundaries with pupils. The messages indicated that Mr Barron's relationship with the pupils was more akin to that of a friend rather than a teacher.

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

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven 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 dated February 2022, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Barron in relation to the facts found proven 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 Barron was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Barron'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 satisfied that the conduct of Mr Barron in relation to allegations 3a to h amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, and thereby was unacceptable professional conduct.

In making this judgment, the panel drew upon its knowledge and experience of the teaching profession.

The panel would have expected Mr Barron as an experienced teacher to have recognised the need to communicate professionally with pupils and to have understood the need to maintain professional boundaries between teachers and pupils. The evidenced communications with Pupils C, D and E clearly blurred the boundaries between being a teacher or being a friend to those pupils. Mr Barron recognised this himself in his evidence to the panel.

In considering whether Mr Barron's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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.

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 Barron's status as a teacher, and damaging to the public perception of the teaching profession.

The panel therefore found that Mr Barron's actions in relation to allegations 3a to h constituted conduct that may bring the profession into disrepute.

In summary, the panel found that Mr Barron's conduct in relation to the allegations referred to above 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 a 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 the declaring and upholding of proper standards of conduct.

The panel's findings involved serious misconduct both outside and within the educational setting from someone who was a role model and in a position of responsibility. Mr Barron's actions had the potential to impact upon pupils at the School. Whilst the panel bore in mind that no pupils were directly impacted by his conduct, the panel concluded there was a strong public interest consideration in respect of the protection and safeguarding of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Barron were not treated with the utmost seriousness when regulating the conduct of the profession. The evidenced communications with Pupils C, D and E clearly blurred the boundaries between being a teacher and being a friend to those pupils. Mr Barron was an experienced teacher in a position of responsibility and should have recognised the need to communicate professionally with pupils. He fell seriously short of the standards expected of him in that regard.

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

The panel considered there was a strong public interest consideration in retaining Mr Barron in the profession. No doubt had been cast upon his abilities as an educator and

indeed the contrary was true. The panel was presented with persuasive and powerful evidence that Mr Barron was very highly regarded as an educator, both in terms of his classroom performance and as Head of Music. It was clear that whilst Mr Barron was at the School, its musical performance greatly improved, as did its Ofsted rating and GSCE music grades, and he deserved credit for that.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Barron.

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 Barron.

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, only one was relevant in this case:

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

Even though some of the behaviour found proved indicated that a prohibition order would be appropriate, the panel felt that this behaviour was at the lower end of the spectrum of unacceptable professional conduct. It 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 Barron had a previous good history. He had an otherwise unblemished record in that there was no evidence that he had been subject to any previous regulatory or disciplinary proceedings.
- Mr Barron provided a number of character references and testimonials, which depicted him in positive terms. They spoke very highly in terms of his teaching practice. He was described as someone who was very supportive to pupils, and who was able to engage with them positively, going out of his way to do so. The panel took particular note of the character reference from [REDACTED], a former student at the School, which said:

“Me and a few other past students...were sat catching up and talking about our lives, how it's crazy I'm expecting a child in January how it's crazy [REDACTED] is now a full-blown [REDACTED] and yet still all we wanted to chat about was music and how much we enjoyed SAJO and every single funny thing

that ever happened because it was such a massive part of who we are now as people...one of them said 'isn't it funny that we were in the golden age of music in Scarborough, and we didn't even know it' and that's because of one man, Oliver Barron. He inspired and taught so many people and did one amazing thing and that was to bring music to everyone not just the few".

- The panel heard live character evidence from Individual 2, 3 and 5. Individual 2 described Mr Barron as *"an incredible teacher with boundless enthusiasm that ignites a passion for music in every student in his classes"*. He told the panel that he had gained significant benefits from his time studying music with Mr Barron, and that the skills learnt had equipped him well for his university studies. The panel also noted that TRA witness Individual 1 was positive about Mr Barron's teaching, saying *"if I knew the secret of how he did it I would do it myself"*.
- It followed that, excluding the matters now found proved, Mr Barron had demonstrated exceptionally high standards in both personal and professional conduct prior to these events. The view of multiple, credible, senior teachers was clearly and consistently that he was an extremely good teacher, who made a significant contribution to the School and the local community.
- The allegations were derived from a broader context at the School in which Mr Barron was Head of Music and running a popular and highly regarded Music Department. Individual 2 told the panel that the Music Department was a big part of the school community. He said that Mr Barron's enthusiasm for music made people want to be part of the community, and that those in the community felt like a family which was tightly knit. School music concerts were packed with parents and members of the local community, and Mrs Barron described them as *"joyous occasions"*. Mr Barron was held in high esteem by the pupils.
- Mr Barron was not well supported by management at the School. He was provided with little safeguarding training, and there was no evidence that he had been given a copy of the Code of Conduct.
- There has been no repetition of the same or similar conduct in the period since Mr Barron left the School. Indeed, whilst Mr Barron has not worked as a teacher since leaving the School, he had volunteered to assist with music concerts and offered music workshops at his children's school. No further complaints had been raised. Indeed, the panel took into account that Mr Barron had discussed this work with his union representative beforehand and had queried whether he needed to inform his children's school of the TRA investigation. He had also ensured that a teacher was present during workshops with children. The panel considered that this demonstrated insight on his behalf into the importance of safeguarding.

- These proceedings have been ongoing for some time. Through no fault on the part of Mr Barron, there has been a delay in this case reaching a final hearing. This would undoubtedly have had a personal impact on him and his family.
- There was no evidence that Mr Barron's conduct directly impacted learners.
- Mr Barron engaged fully in these proceedings. He gave oral evidence to the panel and subjected himself to questions.
- Mr Barron has shown insight, regret and remorse.
- These events have also had a significant impact upon Mr Barron and his family, who relocated away from the area as a result.

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

- Mr Barron's actions amounted to a breach of the Teachers' Standards.
- His conduct raised serious concerns and took place over a period of time with more than one student.
- Mr Barron's actions were deliberate, but misguided. The panel did not consider that he had deliberately breached professional boundaries. However, whilst he may have acted in the context of the School's culture at the time, he remained responsible for his actions.
- Mr Barron was an experienced teacher who ought to have known what was required of him and to have conducted himself accordingly.
- His actions had the potential to impact on learners. The messages were sent to pupils both within and outside the educational setting.

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

Firstly, the panel accepted that Mr Barron was an exceptional teacher who was likely to make a positive impact in education in the future.

Secondly, whilst his conduct continued over a period, the context was crucial. The success, popularity and camaraderie of the Music Department meant that those involved felt like one big family and there was a strong community ethos. Mr Barron got caught up in his enthusiasm for the department, and by his own admission blurred the boundaries between acting as a friend and acting as a teacher to the pupils.

Thirdly, the panel concluded that the risk of repetition was extremely low. There had been no repetition of the same or similar conduct in the period since Mr Barron left the School. Having gone through this process, the panel considered it was highly unlikely that Mr Barron would put himself in the same situation again.

Indeed, the panel considered that at the heart of this case was a highly unusual state of affairs in which the Music Department had been put on a pedestal by the School, parents and the local community. This was a unique set of circumstances that was unlikely to ever arise again, and the panel was satisfied that Mr Barron had learnt important lessons.

That conclusion was further supported by the steps taken by Mr Barron in the period since these events to address his behaviour, in terms of courses taken, [REDACTED] and reflection. In short, the panel was satisfied that Mr Barron had taken significant steps towards remediating the behaviours that contributed to his conduct.

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 in this case.

Having very carefully taken account of the public interest considerations Mr Barron'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 not acceptable.

The panel considered this is a proportionate outcome, which struck a fair balance between the public interest and the interests of Mr Barron.

In the panel's judgement, the public interest in the safeguarding and wellbeing of pupils and other members of the public was not a continuing concern given the limited risk of repetition and also having in mind that Mr Barron's conduct did not directly impact on learners or learning. The panel was satisfied that its decision maintains public confidence in the profession 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 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 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 Oliver Barron is in breach of the following standards:

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

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

The findings of misconduct serious as they include a teacher failing 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 Barron, 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 recorded the following observations:

“The panel’s findings involved serious misconduct both outside and within the educational setting from someone who was a role model and in a position of responsibility. Mr Barron’s actions had the potential to impact upon pupils at the School. Whilst the panel bore in mind that no pupils were directly impacted by his conduct, the panel concluded there was a strong public interest consideration in respect of the protection and safeguarding 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 it sets out as follows:

“There has been no repetition of the same or similar conduct in the period since Mr Barron left the School. Indeed, whilst Mr Barron has not worked as a teacher since leaving the School, he had volunteered to assist with music concerts and offered music workshops at his children’s school. No further complaints had been raised. Indeed, the panel took into account that Mr Barron had discussed this work with his union representative beforehand and had queried whether he needed to inform his children’s school of the TRA investigation. He had also ensured that a teacher was present during workshops with children. The panel considered that this demonstrated insight on his behalf into the importance of safeguarding.”

In my judgement, the insight demonstrated by Mr Barron means that the risk of the repetition of this behaviour is limited. I have therefore given this element significant 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 records this observation:

“Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Barron were not treated with the utmost seriousness when regulating the conduct of the profession. The evidenced communications with Pupils C, D and E clearly blurred the boundaries

between being a teacher and being a friend to those pupils. Mr Barron was an experienced teacher in a position of responsibility and should have recognised the need to communicate professionally with pupils. He fell seriously short of the standards expected of him in that regard.”

I am particularly mindful of the finding of a teacher failing to maintain appropriate boundaries with pupils in this case and the impact that such a finding may 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 that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Barron himself. The panel make note of having been presented with a number of testimonials attesting to Mr Barron’s contribution and ability as a teacher, and the positive impact he had made both within the school and wider community.

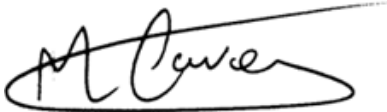
A prohibition order would prevent Mr Barron from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

The misconduct found in this case is serious and it is of the utmost importance that teachers always maintain proper boundaries with the children they teach. However, in this case, I have placed considerable weight on the panel’s comments concerning the degree of insight demonstrated by Mr Barron and the steps he has taken to ensure that the risk of a repetition of this behaviour in the future is “extremely low”. In its concluding remarks the panel states:

“That conclusion was further supported by the steps taken by Mr Barron in the period since these events to address his behaviour, in terms of courses taken, [REDACTED] and reflection. In short, the panel was satisfied that Mr Barron had taken significant steps towards remediating the behaviours that contributed to his conduct.”

I have also noted the panel’s positive comments regarding the contribution that Mr Barron has made to the education sector and his previous good history.

For these reasons, I agree with the panel's recommendation 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 large, horizontal oval stroke.

Decision maker: Marc Cavey

Date: 23 August 2024

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