



Teaching
Regulation
Agency

Mr Billy Hart: Professional conduct panel outcome

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

June 2024

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

| | |
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| Teacher: | Mr Billy Hart |
| Teacher ref number: | N/A |
| Teacher date of birth: | 11 March 1996 |
| TRA reference: | 20241 |
| Date of determination: | 3 June 2024 |
| Former employer: | City of Peterborough Academy, Peterborough |

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 3 to 4 June 2024 via virtual means, to consider the case of Mr Billy Hart.

The panel members were Mrs Christine McLintock (teacher panellist – in the chair), Ms Laura Mullin (lay panellist) and Mr Philip Thompson (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 Ms Katherine Hannigan of Browne Jacobson LLP solicitors.

Mr Hart was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 21 March 2024.

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

1. In or around March 2021, he:
 - a. corresponded with Child A using social media;
 - b. requested a video of/from Child A;
 - c. offered payment in exchange for a video of/from Child A;
 - d. paid for a video of/from Child A;
 - e. received a video of/from Child A.
2. In or around March 2021, he:
 - a. corresponded with Child B using social media;
 - b. requested a video of/from Child B;
 - c. offered payment in exchange for a video of/from Child B;
 - d. paid for a video of/from Child B;
 - e. received a video of/from Child B.
3. He sent a photograph/photographs of himself in the bath to Child A and/or Child B.
4. The video requested and/or paid for and/or received from Child A and/or Child B as may be found proven in allegation 1 and/or 2 was a video;
 - a. showing either Child A or Child B tied up;
 - b. of a sexual nature.
5. His behaviour as may be found proven at allegations 1 and/or 2 and/or 3 above was conduct of a sexual nature and/or was sexually motivated.

In his response to the notice of referral dated 13 March 2022, Allegations 1, 2, and 4a appear to have been admitted by the teacher. Allegations 3, 4b and 5 appear to be not admitted by the teacher.

The teacher appears to have admitted that his conduct (as at Allegations 1, 2, and 4a only) amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in Absence

The panel considered whether the hearing should continue in the absence of the teacher, following an application from the presenting officer.

The panel was satisfied that the TRA complied with the service requirements of paragraph 19(1)(a) to (c) of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations").

The panel was also satisfied that the notice of hearing complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession, updated May 2020 (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures, to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* [2003] 1 AC1, that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones*:-

1. The panel was satisfied that the teacher was aware of proceedings. The teacher did not respond to the notice of hearing dated 21 March 2024. However, the panel had sight of the teacher's response to the notice of referral dated 13 March 2022, in which the teacher had provided his address for all future TRA correspondence, which was used for the notice of hearing. The panel also had sight of tracking information from Royal Mail, which confirmed that the notice of hearing had been successfully delivered to the teacher's address on 23 March 2024. The tracking information confirmed that the delivery had been signed for by "B Hart" and a signature was present. Therefore, the panel considered that the teacher had waived his right to be present at the hearing, in the knowledge of when and where the hearing was taking place;
2. The panel noted there had been multiple attempts made by the presenting officer's firm to engage with Mr Hart as part of these proceedings. Mr Hart did appear to have

initially engaged with the presenting officer's firm, by telephone, on 17 August 2022 prior to a hearing being listed. Mr Hart had also responded to the notice of referral on 13 March 2022, in which he had requested that the allegations were considered without a hearing (but Mr Hart was informed that this was not possible as in his response, he had not admitted all of the allegations). The panel had sight of multiple letters and emails sent to Mr Hart from the presenting officer's firm, in relation to adding documents to the proposed bundle for the hearing, and in respect of Mr Hart's attendance at a hearing. However, Mr Hart did not respond. The panel had sight of telephone attendance notes, in which it is recorded that the presenting officer's firm also attempted to contact Mr Hart by telephone in October 2023, but was unsuccessful. As part of a separate application bundle, the panel had sight of the latest letter sent to Mr Hart dated 29 May 2024, which asked Mr Hart to confirm whether or not he intended to be present at the hearing. This letter was sent by both recorded delivery and email. The panel had sight of tracking information from Royal Mail which showed that the letter could not be delivered as the recipient was no longer at the address. The presenting officer confirmed that Mr Hart had not contacted the TRA to provide a new address. The panel considered that Mr Hart had been given numerous opportunities to add documents to the bundle, and to confirm his attendance or non-attendance at the hearing. The panel considered that, based on his behaviour, Mr Hart had deliberately and voluntarily refused to engage with the TRA;

3. The panel did not consider that an adjournment would result in the teacher attending voluntarily;
4. The panel considered the disadvantage to the teacher in not being able to give his account of events. The panel noted that the majority of the allegations were admitted by the teacher. The panel noted that it did not have the benefit of representations made by the teacher, and was unable to ascertain any lines of defence. However, the panel also noted that there were two witnesses that had been called to give evidence, and the panel would be able to test that evidence in questioning those witnesses, considering such points that would be favourable to the teacher, as reasonably available on the evidence. The panel noted that insofar as there was hearsay evidence against the teacher in the bundle, a hearsay notice would be provided in due course which would allow the panel to consider whether to admit that evidence and the appropriate weight to be applied (if admitted);
5. The panel had not identified any significant gaps in the documentary evidence provided to it, and were these gaps to arise during the course of the hearing, the panel noted it would be able to take such gaps into account when considering whether the hearing should be adjourned for such documents to become available,

and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account;

6. The panel recognised that the allegations against the teacher were serious and that there was a real risk if proven that the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching;
7. The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession; and
8. The panel noted that there were two witnesses present at the hearing, who were prepared to give evidence, and that it would be inconvenient for them to return again. The panel considered that an adjournment may impact upon the memories of those witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that the teacher had plainly waived his right to appear in the knowledge of when and where the hearing was taking place. The panel also considered that, by taking such measures referred to above to address any unfairness insofar as possible, and taking account of the inconvenience an adjournment would cause to the witnesses, that on balance, these were serious allegations and the public interest in the hearing proceeding within a reasonable time was in favour of the hearing continuing as listed.

Summary of evidence

Documents

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

Section 1: Chronology and Anonymised Child List – pages 6 to 7

Section 2: Notice of Hearing, Notice of Proceedings Response and correspondence with Mr Hart – pages 9 to 85

Section 3: Teaching Regulation Agency Witness Statements – pages 87 to 110

Section 4: Teaching Regulation Agency Documents – pages 112 to 296

The panel also had sight of a separate bundle of 10 pages which contained the presenting officer's application to proceed in the absence of the teacher.

The panel members confirmed that they had read all of the documents within the main bundle and in the application bundle, in advance of the hearing.

Witnesses

The panel heard oral evidence from the following witnesses, called by the TRA:

- Witness A, [REDACTED]; and
- Witness B, [REDACTED]

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 24 February 2020, Mr Hart commenced his employment at the City of Peterborough Academy (the “Academy”), as a learning mentor with cover responsibilities.

On 23 November 2020, Mr Hart was appointed as an Instructor of Maths at the Academy on a fixed term basis, until 31 August 2021.

Mr Hart was also a [REDACTED]. In March 2021, the mother of Child C contacted the Safeguarding Officer for [REDACTED] to raise an allegation against Mr Hart. In particular, she stated that Child C had informed her that that Mr Hart had contacted two of his friends, who did not attend [REDACTED] (Child A and Child B) over Snapchat, and had asked them for pictures of one of them tied up in exchange for £10.00. Pupil C’s mother also stated that Mr Hart met the two children at a [REDACTED] garage, where he gave them £10.00.

On 18 March 2021, Mr Hart reported to the Academy that he had been questioned by the police. Later that day, Mr Hart attended a meeting at the Academy with the Principal. The Principal was also contacted by the Local Authority Designated Officer (“LADO”), who confirmed the allegations against Mr Hart.

The LADO explained that there had been an allegation that Mr Hart had requested inappropriate images on Snapchat from two boys under the age of 16 (Child A and Child B). The LADO further explained that Child A and Child B had provided these images, and in return, Mr Hart met them and paid them £10.00.

On 19 March 2021, Mr Hart was suspended from the Academy, and an investigation was commenced.

On 29 March 2021, a LADO meeting took place.

On 24 May 2021, Mr Hart attended an investigatory meeting with the Academy's Investigating Officer and Designated Safeguarding Lead.

On 2 June 2021, the LADO confirmed to the Academy that Mr Hart had been arrested on suspicion of causing or inciting the exploitation of a child on 18 March 2021, and that he had been released on bail under investigation.

On 19 July 2021, the police notified the Academy that there was no further action being taken against Mr Hart.

On 20 July 2021, the Academy wrote to Mr Hart to confirm that his fixed-term contract would not be renewed for the next academic year, due to the recent recruitment of a qualified Mathematics teacher.

On 22 July 2021, a LADO meeting took place and confirmed the police outcome.

On 1 September 2021, Mr Hart was referred to the TRA.

Findings of fact

The findings of fact are as follows:

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

1. In or around March 2021, you:

- a. corresponded with Child A using social media;**
- b. requested a video of/from Child A;**
- c. offered payment in exchange for a video of/from Child A;**
- d. paid for a video of/from Child A;**
- e. received a video of/from Child A.**

In his response to the notice of referral dated 13 March 2022, Mr Hart admitted these allegations.

Following Mr Hart's arrest, on 13 April 2021, Child A attended an interview at the police station. The panel had sight of the interview transcript. During the interview, Child A explained that Mr Hart used to be a teacher at his school, and that he had known Mr Hart since [REDACTED]. Child A stated that he had had Mr Hart "*on Snapchat for ages*", and that Mr Hart "*randomly messages every so often*". When asked to expand on the messages, Child A stated that: "*He would send a picture of his face and say hes back in the [REDACTED] and stuff. Random stuff.*"

During his interview, Child A stated that Mr Hart "*asked [him] to tie [Child B] up for £10.*" The panel noted that this evidence was corroborated by contemporaneous evidence. In particular, the panel had sight of a screenshot of what appeared to be a Snapchat message

from Mr Hart to Child A. The screenshot contained an image of Mr Hart, partly covering his face, and the following text: *“Or how about £10 and you let [redacted] tie you up [laughing emoji]”*.

Child A confirmed that he *“tied a blanket around [Child B’s] legs and videoed it and sent [Mr Hart] it”*. Child A also stated that, as Mr Hart had opened the video on Snapchat, he could no longer view it. As a result, Mr Hart had then asked for the video again, so that he *“could save it and watch it whenever”*.

Child A also stated that he had *“Met [Mr Hart] at the [REDACTED]”*, where Mr Hart gave him the £10.00.

On 9 August 2021, Mr Hart attended an investigatory interview at [REDACTED]. Mr Hart was interviewed by Witness B. The panel had sight of the interview transcript. The panel noted that the transcript was hearsay evidence of things said by Mr Hart. The panel decided to admit the evidence, as it was relevant to the allegations. The panel also noted that it was the only document that contained Mr Hart’s response to the incident and the allegations against him. Therefore, it was fairer to Mr Hart to admit the evidence than not. The panel was able to test this evidence in their questioning of Witness B, which they did, and the evidence withstood that form of challenge.

Witness B confirmed that he had prepared the transcript of the interview, which was a verbatim note. Witness B also confirmed that the transcript had been ratified by Mr Hart on 19 August 2021; in particular, Witness B confirmed he would have sent a copy of the transcript to Mr Hart and would have asked him to confirm whether it accurately reflected the meeting and/or whether he wished to add anything further. The panel applied considerable weight to this evidence, taking into account that it had been prepared by Witness B who was highly experienced in issues of safeguarding and that the evidence was of great significance to [REDACTED].

During the [REDACTED], Mr Hart stated that both Child A and Child B would joke around on social media by saying things about each other, such as *“he’s my slave”* and *“he’s my master”*. As a result, Mr Hart stated that he sent a message which said *“oh tie him up then”*. Mr Hart also stated that, one of the boys then said *“would you pay us”* and that in response, Mr Hart stated *“yeah £10 whatever, and loads of laughing faces after the message”*. Mr Hart also confirmed that *“they tied one of the kids up and sent me a video of it”*. Mr Hart stated that, in response to this, he stated *“untie him, I was only joking”* and that he did not want the video.

Mr Hart confirmed that he did pay Child A for the video. In particular, Mr Hart explained that Child A and/or Child B had previously asked him for a job at his [REDACTED] company. Mr Hart stated that he had told them that there was no work available, but there may be a chance that they could do some voluntary work, which may lead to £5 or £10. As a result, Mr Hart stated that whilst he asked for the video as a joke, he *“still gave them the £10”* because he wanted to *“show them that [he] was trustworthy and a man of [his] word”*.

During his interview, Mr Hart also confirmed that he had exchanged other messages on social media with one of the two boys, either Child A or Child B. In particular, Mr Hart stated that one of the boys had messaged Mr Hart about some personal difficulties he was having at home, which meant [REDACTED]. As a result, Mr Hart stated that the boy had asked for some advice, and in return, he gave him some advice and told him where he could go for further advice.

The panel noted that, whilst there had been some conflicting evidence between that of Child A and Mr Hart in respect of the specific communications that had been exchanged, both Child A and Mr Hart had confirmed that: Mr Hart had communicated with Child A on Snapchat, Mr Hart had requested a video from Child A in exchange for a payment of £10.00, Child A had sent a video to Mr Hart, and that Mr Hart met with Child A (with Child B present) and paid him £10.00 for the video that he had sent. This evidence was also corroborated by a contemporaneous screenshot taken from Snapchat and interview notes.

As a result, the panel found allegation 1 to be proved, in its entirety.

2. In or around March 2021, you:

- a. corresponded with Child B using social media;**
- b. requested a video of/from Child B;**
- c. offered payment in exchange for a video of/from Child B;**
- d. paid for a video of/from Child B;**
- e. received a video of/from Child B.**

In his response to the notice of referral dated 13 March 2022, Mr Hart admitted these allegations.

The panel noted that it did not have sight of any evidence from Child B. It was confirmed to the panel that Child B was interviewed by the police, but that this transcript was not available. The panel had sight of an investigation summary that had been prepared by Individual A, from [REDACTED]. The panel noted that the investigation summary had not been dated or signed. However, the panel received confirmation that the summary had been prepared and provided to the TRA by Individual A. The panel had heard from Witness A how Individual A was her primary point of contact during this investigation. The panel considered this to be a reliable summary of the investigation that was undertaken. However, the panel also applied caution when considering it, in light of it not being signed.

The investigation summary stated that both Child A and Child B were interviewed by the police. The summary also stated that Mr Hart used to work at the secondary school where they both attend. According to the summary, both Child A and Child B had said that *“they can’t remember how but they became friends with [Mr Hart] on Snapchat and that he would ‘randomly’ contact them every so often.”* The summary also stated that, when asked to expand on the messages, they stated that: *“The messages from [Mr Hart] would be every day things like a picture of himself saying that he had a job interview that day.”*

During his interview, Child A stated that Mr Hart had “asked [him] to tie [Child B] up for £10.” Child A confirmed that he had “tied a blanket round [Child B’s] legs and videoed it and sent him it.” Child A also confirmed that both him and Child B had “met [Mr Hart] at the [REDACTED]” where Mr Hart had paid him £10.00. During his [REDACTED] interview, Mr Hart also confirmed that he had asked Child A to send a video of Child B tied up and that he had paid £10.00 in return.

The panel was satisfied that: Mr Hart had communicated with Child B on Snapchat, Mr Hart had requested a video from Child A, which was of Child B, in exchange for a payment of £10.00, Child A had sent a video of Child B to Mr Hart, and that Mr Hart met with Child A and Child B and paid them £10.00 for the video, of Child B, that Child A had sent.

As a result, the panel found allegation 2 to be proved, in its entirety.

4. The video requested and/or paid for and/or received from Child A and/or Child B as may be found proven in allegation 1 and/or 2 was a video;

a. showing either Child A or Child B tied up;

The screenshot that was taken from Snapchat showed that Mr Hart had requested a video of either Child A or Child B tied up, as the message had stated: *Or how about £10 and you let [redacted] tie you up [laughing emoji]*.”

During his interview with the police, Child A confirmed that he “tied a blanket around [Child B’s] legs and videoed it and sent him it”. In his [REDACTED] interview, Mr Hart also confirmed that Child A had “tied one of the kids up” and had sent a video to him.

The panel did not have sight of the video that was sent by Child A to Mr Hart. The panel also noted that neither Witnesses A or B had had sight of the video. In her investigation summary, Individual A confirmed that she had viewed the video, which showed: “*[Child B] pretending to be tied up with a sock in his mouth whilst sat on the edge of a bed. He is fully dressed.*”

The panel found this allegation to be proved.

b. of a sexual nature.

In his response to the notice of referral dated 13 March 2022, Mr Hart denied this allegation.

The panel considered the definition of “sexual”, set out in s78(1)(b) of the Sexual Offences Act 2003. In particular, the panel considered that, on the balance of probabilities, a reasonable person would think that requesting and/or paying for a video of someone tied up could in itself be sexual.

The panel then considered the circumstances of the video. The panel did not have sight of any surrounding communications between Mr Hart and Child A and/or Child B, either before or after the video had been requested. The panel did not consider that when sending the video, either Child A or Child B had intended for this to be of a sexual nature. However,

the panel noted that in his [REDACTED] interview, Mr Hart confirmed that both Child A and Child B would state “*we’re gay together*”, and would refer to each other as “*slave*” and “*master*”. In this context, the panel considered that although very finely balanced, on the balance of probabilities, the video that was requested and paid for, of Child A and/or Child B tied up, was of a sexual nature.

The panel found this allegation to be proved.

5. His behaviour as may be found proven at allegations 1 and/or 2 above was conduct of a sexual nature and/or was sexually motivated.

In his response to the notice of referral dated 13 March 2022, Mr Hart denied this allegation.

The panel considered the guidance set out in the case of GMC v Haris [2020] EWHC 2518, together with the definition of sexual in s78(1)(b) of the Sexual Offences Act 2003. The panel found that, a reasonable person could think that Mr Hart’s conduct could be of a sexual nature and/or sexually motivated.

The panel noted that Mr Hart was not present to provide evidence. However, in his [REDACTED] interview, Mr Hart repeatedly stated that he had requested the video from Child A as a “*joke*”, although he later admitted that it was a “*mistake*”. In terms of payment for the video, Mr Hart stated that he did this to show that he was “*trustworthy*” and a “*man of [his] word on the work front*”, as Child A and/or Child B had previously asked if they could work for Mr Hart at his [REDACTED] company.

The panel noted that, when asked how he felt about the video, Child A stated that he felt “*weird*”, that he “*didn’t think at the time*” and that it was a “*bit embarrassing*”.

The panel was particularly concerned that, according to Child A, Mr Hart had re-requested the video to be sent to him by Child A, on at least one more occasion. It appeared from Child A’s interview that Mr Hart had requested the video on a third occasion, from a different person, but the individual’s name was redacted from the transcript. The panel noted that Mr Hart did not appear to mention this in his [REDACTED] interview, and therefore, they did not have sight of any explanation from him in response to this.

The panel noted that Witness A had raised concerns that Mr Hart had minimised his behaviour. In her investigation summary, Individual A stated that in terms of the messages exchanged between Child A and/or Child B and Mr Hart: “*these messages were never of a sexual nature and that [Mr Hart] has never asked to meet them.*” The panel noted the police had seized Mr Hart’s devices, and that upon examination, nothing had been found. The panel also noted that no further action was taken by the police.

The panel considered the context of Mr Hart’s conduct. The panel acknowledged that there was a power imbalance between Mr Hart, both Child A and B, and that Mr Hart was in a known position of trust (although he did not teach or coach Child A and/or Child B at the time). In particular, the panel again noted that Mr Hart confirmed that both Child A and

Child B would state “*we’re gay together*”, and would refer to each other as “*slave*” and “*master*”. The panel considered that on the balance of probabilities, in light of these messages, requesting a video from Child A and/or Child B of one of them tied up, and in particular, offering payment for this video, constituted conduct of a sexual nature.

In terms of Mr Hart’s motivation, the panel noted that Mr Hart did attempt to offer an explanation for his conduct at the [REDACTED] interview, which was that it was a “*joke*”. The panel did not have any further explanation from Mr Hart in respect of his conduct. However, the panel also considered that ultimately, there was not enough evidence of the surrounding circumstances provided, in order for the panel to infer or deduce Mr Hart’s motivation and/or whether this was a sexual one. As a result, the panel could not find that Mr Hart’s conduct was sexually motivated. However, the panel did find that Mr Hart’s conduct, as found proven, was of a sexual nature.

As a result, the panel found this allegation to be proved.

The panel found the following allegation against you not proved, for these reasons:

3. Sent a photograph/photographs of yourself in the bath to Child A and/or Child B.

In his response to the notice of referral dated 13 March 2022, Mr Hart denied this allegation. In particular, Mr Hart stated: “*I do not specifically remember this, however I have a lot of people I do talk to.*”

During his interview at the police station, when discussing the messages sent by Mr Hart, Child A stated that: “*He would send pictures of his face, in the bath and stuff like that.*” However, this statement could not be corroborated by any additional and/or contemporaneous evidence. The panel noted that, during their oral testimony, both Witnesses A and B stated that they had not been made aware of any allegation in respect of Mr Hart sending pictures of himself in the bath to Child A and/or Child B.

The panel found that, whilst this did not mean that Child A had been untruthful, there was no evidence in the bundle to support this allegation. As a result, the panel found this allegation not proven.

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 dated February 2022, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Hart, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hart 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Hart, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). In particular, the panel found that Mr Hart lacked an understanding of appropriate boundaries between adults and children, and displayed indicators of negative safeguarding behaviours.

The panel did not have sight of the Academy's social media and/or safeguarding policies. However, drawing upon its experience of the teaching profession, the panel considered that it would be highly likely that the Academy would have a policy which would prohibit and/or restrict communications with all children on social media whilst in a position of trust as a teacher. The panel had also heard from Witness B that, the [REDACTED] had a social media policy which prevented adult members of the club having contact with anyone at the [REDACTED] under the age of 18, and that all communication should go through a parent. He also confirmed that Mr Hart, as a [REDACTED], would have received some form of safeguarding training whilst at [REDACTED]. However, Witness B did confirm that, Mr Hart had not breached any of the [REDACTED] because Child A and Child B did not attend the [REDACTED].

Notwithstanding this, the panel considered that Mr Hart would have had an understanding of the importance of safeguarding, given he was in a position of trust and responsible for the welfare of children as part of two separate roles.

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

The panel also considered whether Mr Hart'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. However, the panel considered that Mr Hart's conduct may have led to pupils being exposed to his

behaviour in a harmful way. In particular, Mr Hart displayed conduct of a sexual nature towards children, whilst in a position of trust and this was potentially harmful to all children. The panel was also concerned that Mr Hart had regarded his conduct as a “joke” and had not recognised the safeguarding concerns that had been raised as a result.

Accordingly, the panel was satisfied that Mr Hart 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. In fact, the panel considered that this applied to all children, and not just pupils.

The panel also considered whether Mr Hart’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 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 also considered that Mr Hart’s conduct could potentially damage the public’s perception of a teacher.

In particular, the panel considered that if a member of the public knew that Mr Hart, who was in a position of trust as a teacher (and was responsible for children), had demonstrated conduct of a sexual nature towards children, they would be highly concerned. The panel also noted that this can be demonstrated by the reaction of the mother of Pupil C, who appeared to be extremely concerned when raising the allegation with [REDACTED].

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

Having found the facts of particulars 1, 2, 4 and 5 proved, the panel further found that Mr Hart’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 Hart 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 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 safeguarding and wellbeing of pupils, the protection of other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

The panel's findings against Mr Hart were that he had requested, received and paid for a video from Child A of Child B which was of a sexual nature, and that his conduct was of a sexual nature. In light of this, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings of misconduct of a sexual nature involving children.

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

Whilst there is some evidence that Mr Hart had ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Hart in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

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

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position; and
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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/or whether there were mitigating circumstances.

There was no evidence that the teacher's actions were not deliberate. There was no evidence to suggest that Mr Hart was acting under extreme duress, e.g. a physical threat or significant intimidation.

The panel did not have sight of any evidence to show that Mr Hart had demonstrated exceptionally high standards in both his personal and professional conduct, and/or that he had contributed significantly to the education sector.

The panel noted that prior to March 2021, no concerns had been raised in respect of Mr Hart's conduct or capability, either at the Academy or the [REDACTED]. The panel did have sight of some evidence in the bundle which attested to Mr Hart's abilities as a teacher. In particular, the panel had sight of the notes of the LADO meeting that took place on 28 March 2021. During this meeting, the Principal of the Academy stated that Mr Hart was "*a member of staff that would always go above and beyond and was willing to support and help*", and that the allegation raised was "*a bit out of the blue*".

The panel also had sight of employment references that had been submitted to the Academy by Mr Hart's previous employer. In particular, one of these references stated that Mr Hart had "*formed great relationships with the pupils he worked with*" and that "*his support and interventions for some of the harder to reach pupils added a lot of value to their outcomes in school*". The reference also stated that Mr Hart "*consistently put the students he was working with first to ensure their well-being was nurtured in sometimes difficult circumstances*." The reference confirmed that other teachers were "*appreciative*" and "*complimentary*" of the support offered by Mr Hart, and that Mr Hart would be a "*real asset*" for his new role at the Academy. However, the panel were mindful that these references had been provided before Mr Hart's conduct in March 2021 occurred and came to light.

Whilst the panel saw some evidence of good character, the panel noted that no statements or references from any colleagues that could attest to his character or ability in any detail had been adduced. The panel also found that the limited evidence it did have was not sufficient to demonstrate that Mr Hart had met the test in *Wallace v Secretary of State for Education* [2017] EWHC 109.

The panel went on to consider Mr Hart's level of insight and remorse. The panel did not have sight of any evidence submitted by Mr Hart in this regard. Based on the evidence available, the panel found that Mr Hart did not demonstrate any remorse for his conduct. In particular, the panel noted that Mr Hart did not co-operate with the police investigation following his arrest; he refused to be interviewed due to Covid and he refused to provide the passwords for his devices which were seized (according to the investigation summary of Individual A). However, in his [REDACTED] interview with Witness B, Mr Hart stated that he did this based on the advice he received from his legal representative.

The panel also noted that, at his [REDACTED] interview, Mr Hart repeatedly described his actions as a "joke". However, when pressed by Witness B, Mr Hart did admit that looking back on his conduct, he could see that it was a "*massive mistake*". Mr Hart also stated that he had been an "*idiot*", "*shouldn't have done it*" as he did "*know better*", and that he "*should have been more professional*". Mr Hart also stated: "*it was a lapse of judgment and well, it's come back to bite me, and bite me pretty big.*" Whilst the panel noted that Mr Hart did appear to have some insight into his actions by this point, it noted that this was only insofar as to how they had impacted on his own career. The panel did not have sight of any evidence to show that Mr Hart did have insight into the impact that his actions may have had on children, pupils, the Academy, and/or the wider community. As a result, the panel did not have any evidence to suggest that Mr Hart had learned from his behaviour. In light of this, the panel found that Mr Hart did present a continuing risk to children and pupils, as there was no evidence to demonstrate that he had understood the safeguarding concerns raised, and the risk that he had caused to children.

The panel also considered that, as part of these proceedings, Mr Hart was provided with multiple opportunities to submit a statement or documentation in response to the allegations against him. However, the panel noted that Mr Hart had completely failed to engage with the process after August 2022. In particular, the panel noted that during his telephone call with the presenting officer's firm on 17 August 2022, Mr Hart is recorded in an attendance note as saying that "*he wanted to drag the matter out as long as possible*" (although the panel noted that they had no evidence from the attendees of this call to corroborate the contents of the attendance note).

Proportionality

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Hart of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Hart. The fact that Mr Hart had demonstrated conduct of a sexual nature towards children, and had not understood the safeguarding concerns that were raised, was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases includes any sexual misconduct involving a child. The panel found that Mr Hart was responsible for engaging in conduct of a sexual nature towards Child A and/or Child B.

The panel did not have sight of mitigating evidence from the teacher. In particular, the panel did not have sufficient evidence to demonstrate that Mr Hart had insight into his behaviour, and/or that he was remorseful. The panel also noted that, based on the evidence available, Mr Hart appeared to have been communicating with Child A and Child B for over a year before his arrest. Whilst the panel noted that there was no evidence to suggest that these communications were of a sexual nature, the panel was concerned that Mr Hart did not have an understanding of the appropriate boundaries to be observed between adults (particularly teachers) and children, and the importance of safeguarding principles. As a result, the panel considered that at present, there was a risk of repetition.

However, the panel also considered the circumstances of Mr Hart's conduct and the seriousness of the behaviour. Whilst the panel found that Mr Hart's misconduct was of a sexual nature, which was highly unacceptable, the panel did find the misconduct to be on the lower end of the continuum. In particular, the panel noted that this appeared to be the first time that Mr Hart requested a video of a sexual nature from Child A and/or Child B, and that it had only happened on one occasion. In addition, both Child A and Child B had confirmed that the messages previously exchanged with Mr Hart were never of a sexual nature.

The panel also noted that, at the time of the misconduct, Mr Hart was still a young and inexperienced teacher, having still been working towards gaining qualified teacher status. As a result, whilst the risk of repetition was currently present, the panel was of the view that there was a high chance of this risk dissipating once Mr Hart had had the opportunity to mature, and to engage in a significant level of safeguarding training and rehabilitation.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period. In particular, the panel felt that a review period of 3 years was appropriate. The panel felt that this would allow sufficient time for Mr Hart to: develop in maturity, recognise the seriousness of his actions, attend safeguarding training and rehabilitation (if he wished to do so), but would still ensure that in the immediate future children were adequately protected from inappropriate misconduct. The panel considered this to be an appropriate length of time, also taking into account the length of time that had already passed since the referral of Mr Hart to the TRA.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has 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 Mr Billy Hart should be the subject of a prohibition order, with a review period of three years.

In particular, the panel has found that Mr Hart 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Hart, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of misconduct of a sexual nature involving children.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Hart, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "The panel's findings against Mr Hart were that he had requested, received and paid for a video from Child A of Child B which was of a sexual nature, and that his conduct was of a sexual nature. In light of this, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings of misconduct of a sexual nature involving children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel went on to consider Mr Hart's level of insight and remorse. The panel did not have sight of any evidence submitted by Mr Hart in this regard. Based on the evidence available, the panel found that Mr Hart did not demonstrate any remorse for his conduct. In particular, the panel noted that Mr Hart did not co-operate with the police investigation following his arrest; he refused to be interviewed due to Covid and he refused to provide the passwords for his devices which were seized (according to the investigation summary of Individual A). However, in his [REDACTED] interview with Witness B, Mr Hart stated that he did this based on the advice he received from his legal representative." In my judgement, the lack of remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hart were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of conduct of a sexual nature involving children in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Hart himself and the panel comment “The panel did not have sight of any evidence to show that Mr Hart had demonstrated exceptionally high standards in both his personal and professional conduct, and/or that he had contributed significantly to the education sector.”

“The panel noted that prior to March 2021, no concerns had been raised in respect of Mr Hart’s conduct or capability, either at the Academy or the [REDACTED]. The panel did have sight of some evidence in the bundle which attested to Mr Hart’s abilities as a teacher. In particular, the panel had sight of the notes of the LADO meeting that took place on 28 March 2021. During this meeting, the Principal of the Academy stated that Mr Hart was “*a member of staff that would always go above and beyond and was willing to support and help*”, and that the allegation raised was “*a bit out of the blue*”. “

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “The panel did not have sight of mitigating evidence from the teacher. In particular, the panel did not have sufficient evidence to demonstrate that Mr Hart had insight into his behaviour, and/or that he was remorseful. The panel also noted that, based on the evidence available, Mr Hart appeared to have been communicating with Child A and Child B for over a year before his arrest. Whilst the panel noted that there was no evidence to suggest that these communications were of a sexual nature, the panel was concerned that Mr Hart did not have an understanding of the appropriate boundaries to be observed between adults (particularly teachers) and children,

and the importance of safeguarding principles. As a result, the panel considered that at present, there was a risk of repetition.”

I have also placed considerable weight on the finding “The panel decided that the public interest considerations outweighed the interests of Mr Hart. The fact that Mr Hart had demonstrated conduct of a sexual nature towards children, and had not understood the safeguarding concerns that were raised, was a significant factor in forming that opinion.”

I have also given considerable weight to the following “Whilst the panel saw some evidence of good character, the panel noted that no statements or references from any colleagues that could attest to his character or ability in any detail had been adduced. The panel also found that the limited evidence it did have was not sufficient to demonstrate that Mr Hart had met the test in *Wallace v Secretary of State for Education* [2017] EWHC 109.”

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect. I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hart has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight or remorse, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3 year review period.

I have considered the panel’s comments “The panel also noted that, at the time of the misconduct, Mr Hart was still a young and inexperienced teacher, having still been working towards gaining qualified teacher status. As a result, whilst the risk of repetition was currently present, the panel was of the view that there was a high chance of this risk dissipating once Mr Hart had had the opportunity to mature, and to engage in a significant level of safeguarding training and rehabilitation.”

In this case, factors mean that allowing a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full insight or remorse.

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

This means that Mr Billy Hart is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 2027, 3 years from the date of this order at the earliest. This is not an automatic

right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Hart remains prohibited from teaching indefinitely.

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

Mr Hart has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

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

Decision maker: Sarah Buxcey

Date: 10 June 2024

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