



Teaching  
Regulation  
Agency

# **Miss Melanie Harris: Professional conduct panel outcome**

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

**February 2025**

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

<b>Teacher:</b>	Miss Melanie Harris
<b>Teacher ref number:</b>	2084962
<b>Teacher date of birth:</b>	20 January 1989
<b>TRA reference:</b>	21348
<b>Date of determination:</b>	7 February 2025
<b>Former employer:</b>	Thomas Gainsborough School, Sudbury

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 6 to 7 February 2025 by way of a virtual hearing, to consider the case of Miss Melanie Harris.

The panel members were Mr Duncan Tilley (lay panellist – in the chair), Mrs Zabin Chauhan (lay panellist) and Mrs Georgina Bean (teacher panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP solicitors.

Miss Harris was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 25 October 2024.

It was alleged that Miss Harris was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

Miss Harris was convicted, at any time, of a relevant offence in that:

1. On or around 1 November 2023, she was convicted at County Durham and Darlington Magistrates' Court of the offence of:
  - a. Driving a motor vehicle with the proportion of specified controlled drug above the specified limit on 4 September 2022, contrary to section 5A(1)(a) of the Road Traffic Act 1988.

It was also alleged that Miss Harris was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at the Thomas Gainsborough School;

2. She provided false and/or misleading information to the school, on or around 9 September 2022, in relation to the circumstances of her arrest.
3. Her conduct as may be found proven at 2 above lacked integrity and/or was dishonest.

The panel proceeded on the basis that Miss Harris had not admitted any of the allegations.

## Preliminary applications

### Application for part of the hearing to be heard in private

The panel considered a written application from Miss Harris in advance of the hearing for part of the hearing – regarding any evidence pertaining to [REDACTED] and evidence relating to [REDACTED] - should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application. The panel was particularly persuaded by the presenting officer's submission that holding part of the hearing in private may help to achieve the aims to mitigate any [REDACTED] being released into the public domain and enable Miss Harris to give a full account in response to the allegations.

The panel was mindful of the previous CMH decision for the hearing to be heard in public but, having regard to Miss Harris' subsequent application and supporting documents, the panel decided to grant the application. The panel considered it was not contrary to the public interest for the parts of the hearing, which were the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Miss Harris' private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

#### Application to admit additional documents

The panel considered a preliminary application from Miss Harris for the admission of additional documents, namely correspondence between Miss Harris and Mr Bennett and Mr Perkins of Browne Jacobson LLP and a letter [REDACTED] dated 11 October 2019.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application and noted that there was no objection to the admission of additional documents from either Miss Harris or the presenting officer.

The panel considered the additional documents were relevant and enabled Miss Harris to provide a full account in response to the allegations. Accordingly, the documents were added to the bundle.

#### Application to proceed in the absence of the teacher

Miss Harris was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Miss Harris.

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

The panel was satisfied that the Notice of Hearing had been sent to Miss Harris in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures') and with adequate notice.

The panel was satisfied from the documentary evidence available that Miss Harris' absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Miss Harris had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing. The panel noted that Miss Harris had engaged with the proceedings through correspondence prior to the hearing. The panel was satisfied that Miss Harris did not provide any medical evidence that she was unfit to attend the hearing. The panel considered whether an adjournment would allow Miss Harris to attend a future hearing but given the evidence before it, determined that this was unlikely. The panel was satisfied that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Miss Harris was neither present nor represented.

#### Application to amend an allegation

The presenting officer made an application to amend allegation 2 to correct the word 'November' to 'September'.

The panel noted that Miss Harris had been informed of the proposed change to the allegation and had not provided any objection to this proposal.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the 2020 Procedures.

The panel considered that the proposed amendment would not change the nature and scope of the allegations. As such, the panel considered that the proposed amendment did not amount to a material change to the allegations.

The legal adviser drew the panel's attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

Accordingly, the panel did grant this application and considered the amended allegation, which is set out above.

## Summary of evidence

### Documents

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

- Section 1: Chronology – pages 2 to 3
- Section 2: Correspondence – pages 5 to 21
- Section 3: TRA witness statements and documents – pages 23 to 76
- Section 4: Teacher documents – pages 78 to 84.

In addition, the panel agreed to accept the following:

- Appendices 1-3: correspondence between Mr Bennett of Browne Jacobson and Miss Harris
- Appendix 4: Letter from [REDACTED] dated 11 October 2019
- Appendices 5-6: correspondence between Mr Perkins of Browne Jacobson and Miss Harris.

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

### Witnesses

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

- Witness A - [REDACTED]
- 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 1 September 2022, Miss Harris commenced employment at Thomas Gainsborough School ('the School'), having worked as a supply teacher for the School previously.

On 4 September 2022, Miss Harris was arrested for driving a motor vehicle with the proportion of a specified controlled drug above the specified limit, contrary to section 5A(1)(a) of the Road Traffic Act 1988.

On 5 and 6 September 2022, Miss Harris informed the School that she had tonsillitis and could not work.

On 9 September 2022, Miss Harris disclosed that she was stopped by the police and tested positive for Benzodiazepines but had not been arrested.

On 23 September 2022, Miss Harris resigned from the School.

On 1 November 2023, Miss Harris pleaded guilty for driving a motor vehicle with the proportion of a specified controlled drug above the specified limit on 4 September 2022, contrary to section 5A(1)(a) of the Road Traffic Act 1988.

## **Findings of fact**

The findings of fact are as follows:

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

- 1. On or around 1 November 2023, you were convicted at County Durham and Darlington Magistrates' Court of the offence(s) of:**
  - a. Driving a motor vehicle with the proportion of specified controlled drug above the specified limit on 4 September 2022, contrary to section 5A(1)(a) of the Road Traffic Act 1988.**

The panel noted documentary evidence provided by Miss Harris which indicated that she admitted allegation 1. There are a number of written accounts of Miss Harris which state, *"I accept I was under the influence and I understand the consequences of this..."*, *"I've never said I wasn't under the influence. I said guilty to that one"*, *"I have never contested the driving incident"* and *"I acknowledge that I was under the influence of drugs"*.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice'), which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Newton Aycliffe Magistrates' Court, which detailed that Miss Harris pleaded guilty and was



convicted of one offence of driving a motor vehicle with a proportion of a specified controlled drug above the specified limit.

In respect of the allegation, Miss Harris was sentenced to disqualification for holding or obtaining a driving licence for 24 months and a £515 fine.

On examination of the documentary evidence available to the panel, the panel was satisfied that allegation 1 was proven.

## **2. You provided false and/or misleading information to the school, on or around 9 September 2022, in relation to the circumstances of your arrest**

The panel considered the oral evidence and written statement of Witness A, who stated that on 7 September 2022, he saw Miss Harris in distress. Witness A stated that Miss Harris told him that she wanted to speak to a member of the senior leadership team, and he arranged for them both to speak to Individual A [REDACTED]. Witness A stated that Miss Harris told them about [REDACTED], and said that she was not [REDACTED] fit to be in School, so they decided to send her home.

Witness A submitted that on 9 September 2022, Miss Harris returned to work and assured him that she was in a fit state to teach. He stated that Miss Harris asked him *“whether the police had been in contact with the School”*, to which he told her not to his knowledge but asked her why. Witness A stated that Miss Harris informed him that *“she had been stopped last night”*, and when he asked her why, she replied that *“she had taken some benzodiazepine, but she was categorical in her statement that she had not been arrested”*.

The panel noted Witness A’s contemporaneous account dated 21 October 2022 was consistent with his witness statement. When describing his conversation with Miss Harris on 9 September 2022, Witness A stated *“she disclosed that she had been stopped by the police and had tested positive for benzodiazepines”*. He further explained *“she asked me whether I was aware if the police had contacted the school, and if such a stop would bar her from teaching her lessons that day. I asked her if she had been arrested or stopped – she said she had not been arrested”*.

Witness A’s oral testimony was consistent with his written accounts, and he maintained his evidence that he specifically queried whether Miss Harris had been arrested and she categorically replied that she had not. The panel considered Witness A to be a credible witness with a consistent recollection of his conversations with Miss Harris at the material time.

The panel considered the oral evidence and written statement of Witness B, who stated that on 5 and 6 September 2022 Miss Harris had sent messages to the English department’s team WhatsApp group to say that she was unwell and needed help with cover. The panel considered Witness B’s recollection was consistent with

contemporaneous documentary evidence in the form of an email from Miss Harris dated 6 September 2022 which stated, *“I still have tonsillitis so I’m going to stay off work again”*.

Witness B stated that on 9 September 2022, Miss Harris came into School and told him what had happened, including how [REDACTED]. Witness B recalled that Miss Harris told him that “[REDACTED]”.

Witness B went on to state that Miss Harris told him that the police took a blood test. She was worried it would show that she had smoked marijuana two weeks prior and that she had taken an unnamed drug she bought off the ‘black market’ to help with her [REDACTED]. Witness B noted in his written witness statement, *“I just got the impression that I was not being given the full story”*.

The panel noted documentary evidence from Individual B dated 16 September 2022 following a meeting she had with Miss Harris and Individual D. Individual B recorded that Miss Harris explained how the police had been involved in an incident involving her [REDACTED], she had been taken to the police station and had supplied blood tests, she had smoked some marijuana and was also taking medication [REDACTED] and *“she was aware the police may be contacting the school and that is why she wanted to bring this to our attention”*. The panel noted documentary evidence confirming Individual B had spoken to Miss Harris on the telephone on 6 September 2022 to check on her wellbeing.

The panel considered the written evidence provided by Miss Harris but noted that there was no contemporaneous account. On 19 March 2024, Miss Harris stated, *“I spoke with Individual A and explained that I had been arrested for drug driving that week. I was honest and transparent”*. In a written account dated 5 April 2024, Miss Harris stated, *“I was in a state of shock which led me to saying the wrong thing at the time to the school”*. In a later account dated 24 January 2025, Miss Harris states, *“In hindsight I should have told the school immediately. It was an error of judgement and I am sorry. I took two days off work. I then saw the principal and told her about the car incident on the Wednesday before school started...I didn’t tell the school immediately but I did at the first opportunity which was two days later”*. The panel could only give limited weight to Miss Harris’ evidence as she did not attend the hearing to provide an oral account and the panel was not able to test her evidence through questioning.

The panel noted that there is no evidence to support Miss Harris’ suggestion that she disclosed the circumstances of her arrest to the School on or around 9 September 2022. Miss Harris attended a meeting with Individual A, Individual B and Individual D on 12 September 2022 and the notes from this meeting do not record Miss Harris disclosing the circumstances of her arrest. The panel noted documentary evidence that the School was notified of Miss Harris’ arrest by a third party at a LADO meeting via Microsoft Teams on 15 September 2022. The panel considered that, on the balance of probabilities, this was most likely the first time the School became aware of Miss Harris’

arrest as she was sent a letter the following day, dated 16 September 2022, to confirm her suspension with immediate effect.

The panel concluded that Miss Harris provided false and misleading information to Witness A on 9 September 2022 when she was asked specifically if she had been arrested and she denied this. The panel therefore found allegation 2 proven.

### **3. Your conduct as may be found proven at 2 above lacked integrity and/or was dishonest**

The panel first considered whether Miss Harris had failed to act with integrity in relation to the conduct it found proven at allegation 2.

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Miss Harris had failed to act within the higher standards expected of a teacher by disclosing false and misleading information to the School regarding the circumstances of her arrest.

The panel was mindful that Miss Harris disclosing the circumstances of her arrest would have been of fundamental importance, particularly from a safeguarding perspective and, more generally, in her employment relationship with the School.

The panel considered that Miss Harris had failed to act with integrity by deliberately failing to disclose the circumstances of her arrest to the School, despite having numerous opportunities to do so.

The panel went on to consider whether Miss Harris had acted dishonestly in relation to the conduct it found proven at allegation 2.

In reaching its decision on dishonesty, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Miss Harris' knowledge or belief as to the facts. The panel considered that there was no doubt Miss Harris was aware that she had been arrested for driving under the influence of drugs. The panel noted an email from Individual C dated 20 October 2022, who spoke to a police officer who confirmed Miss Harris "*was arrested at 18:43 and released 825 minutes later, an extraordinarily long amount of time according to the police, to be fit for release*". The panel was satisfied that Miss Harris deliberately and knowingly provided false and misleading information regarding the circumstances of her arrest.

Next, the panel considered whether Miss Harris' conduct was dishonest by the standards of ordinary decent people. The panel found that Miss Harris was objectively dishonest by providing false and misleading information to the School regarding her arrest. The panel accepted Witness A's evidence that Miss Harris had queried "*whether the police had*

*been in contact with the school*” and this provided her with a motivation to provide false and misleading information regarding the circumstances of her arrest.

The panel found that Miss Harris was dishonest and lacked integrity by deliberately providing false and misleading information regarding the circumstances of her arrest and therefore found allegation 3 proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to:

- In respect of allegation 1, conviction of a relevant offence.
- In respect of allegations 2 and 3, unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Miss Harris, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Miss Harris 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
  - not undermining fundamental British values, including democracy, the rule of law...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

### Conviction of a relevant offence

The panel made this finding in respect of allegation 1 only.

The panel was satisfied that the conduct of Miss Harris fell significantly short of the standards expected in the profession.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Miss Harris' behaviour in committing the offence could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. Her conduct ran counter to what should have been at the very core of her practice as a teacher with a duty of care towards children.

The panel noted that Miss Harris' behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less severe end of the possible spectrum. However, this was a case concerning a serious driving offence, involving drugs, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Miss Harris' ongoing suitability to teach. The panel considered that a finding that this conviction was a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

### Unacceptable professional conduct and/or conduct that may bring the profession into disrepute

The panel made this finding in respect of allegations 2 and 3.

The panel was satisfied that the conduct of Miss Harris fell significantly short of the standards expected of the profession.

The panel also considered whether Miss Harris' conduct displayed behaviours associated with any of the offence types listed on pages 12 and 13 of the Advice. The panel found that none of these offence types were relevant.

Accordingly, the panel was satisfied that Miss Harris was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can

hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Miss Harris' status as a teacher, potentially damaging the public perception.

The panel therefore found that Miss Harris' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 2 and 3 proved, the panel further found that Miss Harris' 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, conduct that may bring the profession into disrepute and a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order 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.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Miss Harris, which involved a conviction of driving with the proportion of a specified controlled drug above the specified limit and providing false and misleading information to the School in relation to the circumstances of her arrest which was found to be lacking integrity and was dishonest, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to recommend a prohibition order, taking into account the effect that this would have on Miss Harris. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Miss Harris. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures.
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

The panel was satisfied that Miss Harris' conviction related to the commission of a serious criminal offence.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Miss Harris' actions were not deliberate.

There was no evidence that Miss Harris was acting under extreme duress. The panel did consider Miss Harris' written evidence regarding an incident that occurred earlier during the day on 4 September 2022, [REDACTED]. However, the panel determined that Miss Harris had not provided a sufficient explanation as to how this earlier incident may have affected either the circumstances that led to her arrest, or how it affected her decision to provide false and misleading information to the School regarding the circumstances of her arrest.

No evidence was submitted that Miss Harris demonstrated exceptionally high standards in both personal and professional conduct or that Miss Harris had contributed significantly to the education sector. The panel did note Witness A's evidence that Miss Harris "*was very professional, students liked her, she was reliable and had good subject knowledge*". In his oral evidence, Witness A also stated she was "*well liked*" and "*actually quite a good fit for the start of next academic year*". She was offered a permanent contract.

The panel considered Miss Harris had demonstrated some insight into her actions in the written evidence provided, which stated, "*I accept I was under the influence and I understand the consequences of this*", "*I understand my teaching licence will be removed given that I have dishonoured the profession with the driving offence*", "*I take accountability for this*" and "*I made a horrific mistake, one I pay for every day in not being able to teach*".

The panel further considered Miss Harris' written account dated 3 February 2025 which stated, "*I understand that a DUI results in the removal from the profession. I take full accountability for the driving offence and loosing [sic] my licence as a result. [REDACTED], I was still under the influence*". The panel also accepted Miss Harris had shown some remorse for her actions stating, "*I'm sorry to the school and the community, in particular the principal for having to waste time and resources on going down this route*".

No other mitigating evidence was placed before the panel. The panel concluded that Miss Harris had expressed some remorse but had failed to show significant insight into her actions.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Miss Harris 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 Miss Harris. The potentially devastating consequences that Miss Harris' actions could have had on the safety and wellbeing of members of the public 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 behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these offences to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Miss Harris was not responsible for any such behaviours.

The panel took into consideration the written response of Miss Harris dated 5 April 2024 which stated *"I was advised by one of the solicitors that this was not worth fighting if I'm not returning to the profession. I thought driving under the influence of drugs would be an instant dismissal of the teaching profession...I am trying to build some form of new life outside of education as I just assumed that it was an instant loss of my license for such an offence"*. The panel further noted the written evidence of Miss Harris dated 19 March 2024 where she stated, *"Loosing [sic] teaching as a career has been the most difficult thing to come to terms with. I loved teaching and I was good at it."*

The panel decided that the findings indicated a situation in which a review period would be appropriate as there was a low risk of Miss Harris repeating the same conduct and the period of prohibition could allow Miss Harris time to reflect on her conduct. The panel took into account Miss Harris' recent change in personal circumstances and her indication above, that her long-term career aspirations were to remain in the education sector before this incident. The panel therefore decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period of two years. The panel considered that this would be a reasonable and proportionate period of time for Miss Harris to reflect on her actions and develop appropriate insight into her prior misconduct.

## Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or a relevant conviction.

The panel has made a recommendation to the Secretary of State that Miss Melanie Harris should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Miss Harris 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
  - not undermining fundamental British values, including democracy, the rule of law...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Miss Harris fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings which involved a conviction of driving with the proportion of a specified controlled drug above the specified limit, providing false and misleading information to the School, conduct found to be lacking integrity and was dishonest

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, or a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves

sufficient. I have considered therefore whether or not prohibiting Miss Harris and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In light of the panel's findings against Miss Harris, which involved a conviction of driving with the proportion of a specified controlled drug above the specified limit and providing false and misleading information to the School in relation to the circumstances of her arrest which was found to be lacking integrity and was dishonest, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public." 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 considered Miss Harris had demonstrated some insight into her actions in the written evidence provided, which stated, *"I accept I was under the influence and I understand the consequences of this"*, *"I understand my teaching licence will be removed given that I have dishonoured the profession with the driving offence"*, *"I take accountability for this"* and *"I made a horrific mistake, one I pay for every day in not being able to teach"*. The panel has also commented that "The panel also accepted Miss Harris had shown some remorse for her actions stating, *"I'm sorry to the school and the community, in particular the principal for having to waste time and resources on going down this route"*.

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 also took account of the way the teaching profession is viewed by others. The panel considered that Miss Harris' behaviour in committing the offence could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. Her conduct ran counter to what should have been at the very core of her practice as a teacher with a duty of care towards children." I am particularly mindful of the finding of driving under the influence of drugs and dishonesty 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, or a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Miss Harris herself and the panel comment “No evidence was submitted that Miss Harris demonstrated exceptionally high standards in both personal and professional conduct or that Miss Harris had contributed significantly to the education sector. The panel did note Witness A’s evidence that Miss Harris *“was very professional, students liked her, she was reliable and had good subject knowledge”*. In his oral evidence, Witness A also stated she was *“well liked”* and *“actually quite a good fit for the start of next academic year”*. She was offered a permanent contract.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “No other mitigating evidence was placed before the panel. The panel concluded that Miss Harris had expressed some remorse but had failed to show significant insight into her actions.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils.

I have also placed considerable weight on the finding of that “The panel decided that the public interest considerations outweighed the interests of Miss Harris. The potentially devastating consequences that Miss Harris’ actions could have had on the safety and wellbeing of members of the public was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Harris 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, 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 2 year review period.

I have considered the panel’s comments “The panel decided that the findings indicated a situation in which a review period would be appropriate as there was a low risk of Miss Harris repeating the same conduct and the period of prohibition could allow Miss Harris time to reflect on her conduct. The panel took into account Miss Harris’ recent change in personal circumstances and her indication above, that her long-term career aspirations were to remain in the education sector before this incident.”

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

I agree with the panel and have decided that a 2 year review period is in the public interest and is proportionate in this case.

**This means that Miss Melanie Harris is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** She may apply for the prohibition order to be set aside, but not until 18 February 2027, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Harris remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 12 February 2025**

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