



Teaching
Regulation
Agency

John Hardie: Professional conduct panel meeting 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

Teacher:	John Hardie
Teacher ref number:	0537339
Teacher date of birth:	16 February 1984
TRA reference:	18691
Date of determination:	4 February 2025
Former employer:	Hull City Council, Newland School for Girls, Winifred Holtby Academy and Wolfreton School and Sixth Form College, Hull

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 4 February 2025 by way of a virtual meeting, to consider the case of John Hardie.

The panel members were Mrs Bev Williams (teacher panellist – in the chair), Ms Sarah Daniel (lay panellist) and Mr Nathan Cole (teacher panellist).

The legal adviser to the panel was Miss Eleanor Bullen-Bell of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Hardie that the allegations be considered without a hearing. Mr Hardie provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Alicia Wade of Capsticks LLP, Mr Hardie or any representative for Mr Hardie.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 20 November 2024.

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

1. On around 4 May 2019, at the McDonalds Restaurant on Cottingham Road in Hull:
 - a. Watched Child A enter the female toilets;
 - b. Followed Child A;
 - c. Opened the door to the female toilets;
 - d. Looked inside the female toilets.
2. On around 11 October 2019, in connection with his conduct at (1) above:
 - a. Accepted an adult caution for attempted voyeurism – observe person doing a private act contrary to section 1(1) of the Criminal Attempts Act 1981;
 - b. Was made the subject of a sex offender notification requirement until 11 October 2021.

Mr Hardie admitted the facts of allegations 1(a), 1(b), 1(c), 1(d), 2(a), 2(b) and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the statement of agreed facts signed by Mr Hardie on 28 June 2024 and the presenting officer on 11 July 2024.

Preliminary applications

The panel considered the preliminary application made on behalf of a third party, [REDACTED] to anonymise the name of the teacher, any geographical information of where the conduct took place and where Mr Hardie was employed at the time in which the conduct took place. [REDACTED].

The panel firstly noted that it does not have the power to anonymise the teacher's name from its decision as this is a decision for the Secretary of State.

In relation to the remainder of the application, the panel did not consider Mr Hardie's former workplaces and the locality in which the conduct took place, to be materially relevant to the allegations.

However, the panel considered the principle of open justice and balanced the anonymity with the likely hardship or prejudice which would be suffered if the panel was to allow the publication of the geographical location of the conduct. Whilst the panel considered that there was a risk of identification of the third party, the panel considered that the interests of open justice and transparency outweighed this. The panel therefore did not accept that Mr Hardie's former workplaces and any geographical information should be anonymised and the application was not granted.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 5 to 7
- Section 2: Notice of referral, response and notice of meeting – pages 8 to 28
- Section 3: Statement of agreed facts and presenting officer representations – pages 29 to 35
- Application received from third party – pages 36 to 49
- Section 4: TRA witness statements – pages 50 to 51
- Section 5: TRA documents – pages 52 to 159
- Section 6: Teacher Documents – pages 160
- Section 7: Other material – pages 161

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Hardie on 28 June 2024, and subsequently signed by the presenting officer on 11 July 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Hardie for the allegations to be considered without a hearing. The panel had the ability to direct that the

case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Hardie was engaged on a self-employed basis to undertake small group and one to one tuition and undertook employment as a casual exam invigilator in various schools.

On the 4 May 2019, the alleged incident involving Mr Hardie and a female child occurred.

On the 10 May 2019, the police contacted the LADO to inform them of the alleged incident.

On the 11 October 2019, Mr Hardie accepted a police caution for attempted voyeurism with a sex offender notification requirement until 11 October 2021.

[REDACTED]

Findings of fact

The findings of fact are as follows:

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

- 1. On around 4 May 2019, at the McDonalds Restaurant on Cottingham Road in Hull, he:**
 - a. Watched Child A enter the female toilets;**
 - b. Followed Child A;**
 - c. Opened the door to the female toilets;**
 - d. Looked inside the female toilets;**

The panel considered the statement of agreed facts by Mr Hardie. In that statement of agreed facts, Mr Hardie admitted allegations 1(a) to (d), and further admitted that his conduct was sexually motivated involving the attempted viewing of a child carrying out a private act. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered the LADO's case note for Mr Hardie dated 10 May 2019. The note set out that Mr Hardie was caught on CCTV in McDonalds exiting the male toilets as Child A entered the female toilets, and he was seen to hesitate and then attempt to enter the female toilets, following Child A, before returning to the main restaurant area.

The panel noted Mr Hardie's admissions during his police interview on 15 May 2019, where he confirmed that there was an element of sexual curiosity and inappropriate thoughts about Child A.

The panel found allegations 1(a) to (d) proven.

2. On around 11 October 2019, in connection with your conduct at (1) above:

- a. Accepted an adult caution for attempted voyeurism – observe person doing a private act contrary to section 1(1) of the criminal attempts act 1981;**
- b. Were made the subject of a sex offender notification requirement until 11 October 2021**

The panel considered the certificate of caution, dated 11 October 2019. The caution for attempted voyeurism was accepted by Mr Hardie. The panel noted the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice', which states that a caution establishes a clear admission of guilt in relation to the offence.

The panel considered the email of 4 November 2019 and letter of 24 March 2020 from the police setting out that Mr Hardie was made the subject of a sex offender notification requirement until 11 October 2021.

The panel found allegations 2(a) and 2(b) 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 Advice.

The panel was satisfied that the conduct of Mr Hardie in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hardie 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 [...] 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
 - showing tolerance of and respect for the rights of others
 - not undermining [...] the rule of law [...].
- 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 Hardie fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Hardie's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel noted that this was a case involving a caution for attempted voyeurism and the Advice states that voyeurism is likely to be considered a relevant offence.

The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting, but involved a school aged child.

Accordingly, the panel was satisfied that Mr Hardie 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 they behave.

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

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

Having found the facts of particulars 1(a), 1(b), 1(c), 1(d), 2(a) and 2(b) proved, the panel further found that Mr Hardie's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the 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 the light of the panel's findings against Mr Hardie, which involved attempted voyeurism of a school aged child, 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 Mr Hardie were not treated with the utmost seriousness when regulating the conduct of the profession. Further, the conduct found against Mr Hardie was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Hardie. 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 Mr Hardie. 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 are relevant in this case are:

- 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;
- 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;
- [...] exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- violating of the rights of pupils.

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 if there were any mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Hardie's actions were not deliberate.

There was no evidence that Mr Hardie was acting under extreme duress.

There was no evidence that Mr Hardie demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel also noted that there was reference within the bundle to reports of another unrelated incident allegedly involving Mr Hardie taking pictures of a pupil whilst tutoring her.

Following this, 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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Hardie 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 Hardie. The safeguarding and wellbeing of pupils and protection of other 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 to recommend that a review period of the order should be considered. 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. These behaviours include any sexual misconduct involving a child and serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons.

Regarding this, the panel noted Mr Hardie's admissions during his police interview on 15 May 2019, where he confirmed that there was an element of sexual curiosity and inappropriate thoughts about Child A. The panel also noted that Mr Hardie had accepted the caution for attempted voyeurism.

The panel further noted the statement of agreed facts by Mr Hardie. In that statement of agreed facts, Mr Hardie admitted all of the allegations, and further admitted that his conduct was sexually motivated.

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 none of these behaviours to be relevant.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

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 conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr John Hardie should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Hardie 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 [...] 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
 - showing tolerance of and respect for the rights of others
 - not undermining [...] the rule of law [...].
- 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 Hardie 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 Hardie fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of accepting an adult caution for attempted voyeurism involving a child.

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 Hardie, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Hardie, which involved attempted voyeurism of a school aged child, 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.

The panel has not commented on the level of insight and remorse attained by Mr Hardie. However, Mr Hardie admitted the facts of the allegations and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hardie were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of attempted voyeurism of a school aged child 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 Hardie himself. The panel has commented that “There was no evidence that Mr Hardie demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”

A prohibition order would prevent Mr Hardie 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 finding of the panel that “the public interest considerations outweighed the interests of Mr Hardie. The safeguarding and wellbeing of pupils and protection of other members of the public was a significant factor in forming that opinion.” The panel also said that “the conduct found against Mr Hardie was outside that which could reasonably be tolerated.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Hardie 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, 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 that no provision should be made for a review period.

I have considered the panel's comments:

"The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include any sexual misconduct involving a child and serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons.

"Regarding this, the panel noted Mr Hardie's admissions during his police interview on 15 May 2019, where he confirmed that there was an element of sexual curiosity and inappropriate thoughts about Child A. The panel also noted that Mr Hardie had accepted the caution for attempted voyeurism.

"The panel further noted the statement of agreed facts by Mr Hardie. In that statement of agreed facts, Mr Hardie admitted all of the allegations, and further admitted that his conduct was sexually motivated."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, the serious nature of the conduct found proven means that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr John Hardie is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proven against him, I have decided that Mr Hardie shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr John Hardie 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.



Decision maker: David Oatley

Date: 6 February 2025

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