



Teaching
Regulation
Agency

Mr Robin Hadden: Professional conduct panel hearing outcome

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

March 2025

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

teacher:	Mr Robin Hadden
teacher ref number:	9843836
teacher date of birth:	10 December 1971
TRA reference:	21662
Date of determination:	19 March 2025
Former employer:	Durham Trinity School and Sports College, Durham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 to 19 March 2025 by way of a virtual hearing, to consider the case of Mr Robin Hadden.

The panel members were Ms Aruna Sharma (teacher panellist – in the chair), Ms Mona Sood (lay panellist) and Mr Paul Burton (lay panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Mr Hadden 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 6 December 2024.

It was alleged that Mr Hadden was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a SEND teacher at Durham Trinity School and Sports College between 2015 and 2023:

1. He failed to maintain appropriate professional boundaries with one or more colleagues by;
 - a. In or around April 2022, touching and/or looking at Individual A's breasts and/or chest area;
 - b. In or around December 2021, looking and/or attempting to look and/or stare at Individual B and/or C's breasts and/or chest area;
 - c. making inappropriate comments to one or more colleagues, in person and/or via social media and/or text message, such as;
 - i. saying, "I bet you're gonna report me now", or words to that effect, to Individual A, following your conduct in Allegation 1a;
 - ii. On or around 9 December 2021, using the words, "this was not the first time I had breasts in my face", or words to that effect, with reference to the text on Individual B and/or Individual C's clothing;
 - iii. On or around 8 March 2021, writing "Happy International Women's Day to one of my favourite women [heart emoticons]" or words to that effect to Individual B.
 - d. on or around 9 December 2021, contacting Individual B on social media to say;
 - i. "I did feel a little bit awkward about being forced to stare at your chest this morning" or words to that effect;
 - ii. "No one ever needs to apologise for making me look at their boobs" or words to that effect.
2. His behaviour at allegation 1 (a) and/or 1 (b) occurred in the presence of one or more pupils.
3. His conduct, as may be proven at Allegation 1 above, was of a sexual nature and/or was sexually motivated.

4. His conduct, as may be proven at Allegations 1, demonstrates a lack of insight into prior concerns about your behaviour and/or a failure to follow professional advice as detailed in letters dated;
 - a. 18 December 2015; and/or,
 - b. 25 March 2021.

Mr Hadden made no admissions to the allegations and did not admit unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in the absence of Mr Hadden

The panel heard an application for the TRA to proceed in the absence of Mr Hadden. The panel heard and accepted legal advice in relation to this.

The panel first determined, having seen the notice of hearing dated 6 December 2024, that it was satisfied that notice of this hearing had been served upon Mr Hadden in accordance with the disciplinary rules. The panel then went on to consider whether to proceed in the absence of Mr Hadden.

The panel had received a written bundle in advance of the hearing in support of the application, detailing correspondence between the TRA and Mr Hadden, pertaining to his attendance at the hearing. The bundle contained two emails dated 3 January 2025 and 8 February 2025, whereby it was indicated that Mr Hadden had no intention to attend. In addition, it also received a single page bundle, containing an email dated 28 February 2025 from his representative, Mr Richard Matkin, Regional Official at NASUWT. The email confirmed that there was no intention for any presence or representation at the hearing, as it read "I confirm Mr Hadden's previous instruction that he does not intend to engage further in the process".

The panel accordingly determined that it would be fair in the circumstances to proceed in the absence of Mr Hadden. It was satisfied that there had been good service, and that Mr Hadden had objectively waived his right to attend the hearing. The panel was cognisant of the need to consider the objectives of the regulatory function of the TRA and the fact that several witnesses were due to give evidence during the hearing. It also was mindful that it would not be appropriate to adjourn matters in the circumstances, given the explicit indication that Mr Hadden did not wish to attend, and the lack of a suggestion that an adjournment would affect this.

Accordingly, the panel determined that it would be appropriate to proceed in the absence of Mr Hadden.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised person list – pages 6 to 8

Section 2: Notice of hearing and response – pages 10 to 14

Section 3: Teaching Regulation Agency witness statements – pages 16 to 25

Section 4: Teaching Regulation Agency documents – pages 27 to 169

Section 5: teacher documents – pages 171 to 176

In addition, the panel agreed to accept the following documents which it considered in relation to the application to proceed in the absence of Mr Hadden:

Section 6: Proceeding in absence bundle – pages 177 to 202

Section 7: teacher response bundle: - page 203

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 consider.

In the consideration of this case, the panel had regard to the document teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

Witnesses

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

Witness A – (referred to as “Individual A”), Teaching Assistant at Durham Trinity School and Sports College (“the School”)

Witness B – (referred to as “Individual B”), [REDACTED]

Witness C – (referred to as “Individual C”), Teaching Assistant at the School

Witness D – [REDACTED], [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.

Mr Hadden commenced employment as a SEND teacher at the School in January 2015.

In December 2015, Mr Hadden received a letter of management advice relating to professional behaviours between himself and colleagues. A further letter of management advice of a similar nature was sent to Mr Hadden in March 2021.

Following a staff disclosure relating to Mr Hadden’s conduct in July 2022, an investigation was undertaken. The investigation identified an incident whereby Mr Hadden was said to have made inappropriate physical contact with Witness A in April 2022. Additionally, instances pertaining to him allegedly staring/looking at the chest or breast areas of Witness B and C were identified. Mr Hadden was also said to have made inappropriate remarks to both Witness B and Witness C in person. He also was alleged to have communicated in an inappropriate manner via social media with Witness B.

The School investigation concluded in January 2023 and the matter was subsequently referred to the TRA.

Findings of fact

The panel found the following particulars of the allegations against you proved:

Allegation 1a, Allegation 1cii, Allegation 1di, Allegation 1dii, Allegation 2, Allegation 3 (in respect of “sexual in nature” only), Allegation 4a, Allegation 4b.

The panel found the following particulars of the allegations against you not proved:

Allegation 1b, Allegation 1ci, Allegation 1ciii, Allegation 3 (in respect of “sexual motivation”).

The findings of fact are as follows:

Whilst employed as a SEND teacher at Durham Trinity School and Sports College between 2015 and 2023:

1. You failed to maintain appropriate professional boundaries with one or more colleagues, by;

a. In or around April 2022, touching and/or looking at Individual A's breasts and/or chest area;

The panel heard directly from Witness A in respect of this allegation. It noted that during her live evidence, she gave an account which was entirely consistent with her written account regarding the question of the alleged touching. Her account was that Pupil X, a pupil with educational needs [REDACTED], had read the writing from her t-shirt aloud. She stated that reading aloud was something that Pupil X often did and was praised for. She then stated that Mr Hadden had then approached her, first removing her lanyard and then “showing him [Pupil X] what to do” before subsequently prodding her breasts whilst reading the phrase, [REDACTED] out loud in a phonetic manner. It was then said that he also underlined the words with his finger, by swiping across her breasts. The panel found the fact that she provided a physical demonstration of the alleged touching during her live evidence to be particularly compelling.

Although Witness E, [REDACTED], was not called as a witness, the panel had sight of the investigative interview conducted with Pupil X. It noted that Witness D had detailed through his live evidence, how efforts were made to mitigate [REDACTED] difficulties that Pupil X had. The interview was conducted with the assistance of Witness E [REDACTED].

It was noted through Witness D’s oral evidence that during his interview, Pupil X had given a physical demonstration which first suggested that he had seen Mr Hadden remove Witness A’s lanyard. Witness D then further explained, that Pupil X then began making a physical gesture, whilst communicating either “took” or “touch.” Witness D stated that he endeavored to determine what was meant by this but concluded that Pupil X had been saying “touch.” When considered in the context of the actions of Pupil X, this was therefore taken to make that Pupil X was indicating that he had observed Mr Hadden

touching Witness A. The panel therefore determined that it could afford some limited weight to the hearsay account of Pupil X, particularly as it was corroborative.

The panel weighed this evidence against the written submissions of Mr Hadden whereby he denied knowledge of the incident. The panel determined that on balance, it was more likely than not that the incident had occurred.

The panel was accordingly satisfied that the act of touching amounted to an inappropriate breach of professional boundaries. It determined that there could be no appropriate context in which a colleague could touch another in such a way without seeking consent and therefore it was inappropriate in the context. The panel did not think it could comment upon whether the “looking” element of the allegation amounted to an inappropriate breach of professional boundaries, given the evidence that it had heard which focused more on the physical contact than any suggestion of Mr Hadden looking in a particularly inappropriate manner.

Accordingly, it found Allegation 1a proved.

b. In or around December 2021, looking and/or attempting to look and/or stare at Individual B and/or C's breasts and/or chest area;

The panel heard live evidence from both Witness B and Witness C in respect of this allegation. It noted that both parties had concurred that they had been taking a pupil for a “regulation walk” and whilst waiting for the pupil to use the toilet, Mr Hadden had approached them.

The panel considered that during the evidence of Witness B, she had described that she was wearing a Christmas jumper which had “swirly writing” on the “chest area” which read “I’m only here for the food.” She noted that Mr Hadden “couldn’t make it out.” It also noted that he was estimated to be approximately “an arm’s length” away from her when looking at her jumper. Witness B then stated that this was “inappropriate.” It then followed that after looking at her jumper, Mr Hadden went on to do the same to Witness C who also responded that this was “not appropriate.”

The panel considered it more likely than not that Mr Hadden did look at the chest areas of Witness B and Witness C. However, it determined that there was a question as to whether it would have been reasonable to read the jumper in the circumstances, particularly given the implication by Witness C that it may have been difficult to read. Accordingly, the panel did not feel that it could find that the conduct as referred to in the allegation was inappropriate.

Accordingly, the panel found Allegation 1b not proved.

c. making inappropriate comments to one or more colleagues, in person and/or via social media and/or text message, such as;

i. saying, "I bet you're gonna report me now", or words to that effect, to Individual A, following your conduct in Allegation 1a;

The panel heard from Witness A during oral evidence recounted that this remark was made. The panel also considered that it was concordant with her written evidence and the investigative material. The panel again considered that Witness A was a credible witness, and that this remark likely did occur. The panel also noted that Mr Hadden had stated within his written submissions that he had no recollection of this event.

The panel, however, did not determine that it could say that the statement itself was inherently inappropriate in the absence of the context of the wider conversation.

Accordingly, the panel found Allegation 1ci not proved.

ii. On or around 9 December 2021, using the words, "this was not the first time I had breasts in my face", or words to that effect, with reference to the text on Individual B and/or Individual C's clothing;

The panel heard directly from Witness B and Witness C who both gave a consistent account in relation to Mr Hadden making a remark of this nature. The panel also had "of the relevant investigative material in this case, which it determined directly corroborated this evidence. The panel also noted that Mr Hadden had stated within his written submissions that he had no recollection of this event. The panel determined that it was more likely than not that the remark was made.

The panel determined that the use of this language was inherently inappropriate. Mr Hadden making a comment about the breasts of a colleague was clearly not a suitable use of language in the circumstances.

The panel found Allegation 1cii proved.

iii. On or around 8 March 2021, writing "Happy International Women's Day to one of my favourite women [heart emoticons]" or words to that effect to Individual B.

The panel had sight of the Facebook messenger conversation between Mr Hadden and Witness B on the 8 March 2021. The panel was satisfied that the conversation did take place between the parties, and that Mr Hadden had used the words as alleged, noting that in his written submissions he did not dispute the existence of the messages

themselves.

Witness B noted through her live evidence that she did not know if this communication was only sent to her or was also sent to other people. The panel also determined that there was nothing inherently inappropriate within the message.

The panel therefore did not find Allegation 1cii proved.

d. on or around 9 December 2021, contacting Individual B on social media to say;

- i. "I did feel a little bit awkward about being forced to stare at your chest this morning" or words to that effect;**
- ii. "No one ever needs to apologise for making me look at their boobs" or words to that effect.**

The panel determined that it had sight of the messages between Witness B and Mr Hadden dated 9 December 2021. It was satisfied that there was no reason to dispute the validity of these messages and considered that the words alleged were said by Mr Hadden within the exchange. The panel accordingly determined that the messages had been sent to Witness B by Mr Hadden.

The panel determined that the messages were of an inappropriate nature. It could not conceive of a situation where it would be appropriate or suitable in the circumstances for Mr Hadden to communicate with Witness B in this manner.

The panel therefore found Allegation 1di and Allegation 1dii proved.

2. Your behaviour at allegation 1 (a) and/or 1 (b) occurred in the presence of one or more pupils.

The panel, having found Allegation 1a proved, was satisfied that the alleged touching took place in the presence of Pupil X. It noted that Witness A had been consistent in both her written and oral evidence that Pupil X had direct sight of the incident, and in fact Mr Hadden had addressed him directly whilst touching her. The panel also considered the hearsay account of Pupil X made it apparent that he had observed the incident.

The panel accordingly found Allegation 2 proved in respect of the incident alleged at Allegation 1a. The panel did not consider the question of Allegation 2 in relation to Allegation 1b, having found it not proved.

3. Your conduct, as may be proven at Allegation 1 above, was of a sexual nature and/or was sexually motivated.

The panel considered the question of whether the actions within Allegation 1 that it had proved were of a sexual nature and/or were sexually motivated.

When first considered the question of whether the actions were sexual in nature, it was aided with the definition within s78 of the Sexual Offences Act, namely: "... penetration, touching or any other activity is sexual if a reasonable person would consider that (a) whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual, or (b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual."

The panel first determined that in respect of the touching as found proved within Allegation 1a, it could find that the actions were sexual in nature. Mr Hadden had made direct contact with Witness A's breasts over her T-shirt. It was the panel's view that a reasonable person would consider that Mr Hadden's actions were sexual in nature. Additionally, it noted that the circumstances in which this was done further supported this finding. The panel considered that in the circumstances, there was no reasonable interpretation of the act other than that it was sexual in nature.

The panel also determined that the facts found proved at Allegation 1cii, 1di and 1dii were of a sexual nature. The panel considered that these were inherently sexual remarks, making reference to the "breasts" and "boobs" of colleagues by Mr Hadden, who had also written that he was "forced to stare." The panel considered that a reasonable person would consider that in the circumstances, speaking to colleagues in this way was of a sexual nature.

The panel then considered the question of Sexual Motivation, and it was aided with the definition from the authority of *Basson v GMC* [2018] EWHC (Admin), namely: "sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship".

The panel was mindful to consider the objective facts that it had found proven in respect of this behaviour. It determined that in respect of Mr Hadden's touching of Witness A, it could not draw the inference that Mr Hadden's behaviour had been done in pursuit of sexual gratification, or a future sexual relationship. It noted that Mr Hadden's actions had been both sexual and inappropriate. It, however, did not see any material which was indicative of any gratification on the part of Mr Hadden. It also did not consider that this instance was suggestive of any pursuit of a future sexual relationship.

The panel was equally of the view that it could not draw an inference that Mr Hadden's behaviour was for sexual gratification or in the pursuit of future sexual relationship, in respect of Allegations 1cii, 1di, or 1dii. It noted that there was nothing within the messages that suggested any sexual gratification. It also formed the view that whilst there were messages of a sexual nature that had been sent by Mr Hadden, there was

nothing within the messages that suggested any pursuit of a future sexual relationship.

The panel accordingly found Allegation 3 proved but only in relation to the question of sexual in nature.

4. Your conduct, as may be proven at Allegations 1, demonstrates a lack of insight into prior concerns about your behaviour and/or a failure to follow professional advice as detailed in letters dated;

a. 18 December 2015; and/or,

b. 25 March 2021.

When determining this allegation, the panel did not consider the question of whether Mr Hadden had demonstrated a “lack of insight,” leaving the question of insight to a latter stage in the decision-making process if at all necessary. The panel however was of the view that it could still properly consider the allegation, having been advised that it would need to be satisfied that Mr Hadden had received letters of advice on 18 December 2015 and/or 25 March 2021, and that his actions as found proved within Allegation 1 showed that he had not adhered to the advice in question.

The panel first considered the letter of 18 December 2015. It noted that it had sight of this letter and that it was addressed to Mr Hadden. The panel saw that the letter advised Mr Hadden:

- “That as a teacher, you must lead by example
- Relationships between colleagues to be totally professional and others will perceive this to be the case
- You are to behave in a professional manner at all times to avoid bringing the school into disrepute”

The panel was also careful to consider this letter in addition to Mr Hadden’s written submissions, in which he advised that the letter was of significant age, having been issued 7 years before the incident, and also that there had been no other reported incidents during the 7-year period. He also commented that he had received no training in relation to this particular advice.

The panel however determined that Mr Hadden’s conduct as found proved within the particulars of Allegation 1 was contrary to the advice that he had received on 18 December 2015. The panel was of the view that the advice was not restricted in its application due to its age. It also was satisfied that Mr Hadden’s behaviour was not

professional in terms of his relationships with colleagues as found proved. Additionally, the panel did not think that any specific training was necessary to assist with the advice in question, given it directly engaged with Mr Hadden's interpersonal approach to colleagues and overall professional boundaries.

Accordingly, the panel found Allegation 4a proved.

The panel was also satisfied that it had seen the letter of advice addressed to Mr Hadden dated 25 March 2021. It noted that this letter was thematically similar to the 2015 letter but was more detailed and had advised Mr Hadden to take care "regarding relationships with colleagues". The panel heard live evidence from Witness D who advised that he had gone through the individual points, before handing the letter to Mr Hadden. He also recounted that Mr Hadden had accepted and appeared to understand the letter. It considered that Witness D had given a credible account in relation to this.

The panel again formed the view that Mr Hadden's behaviour in respect of the facts found proved within Allegation 1, was directly contrary to the advice as given on 25 March 2021.

The panel therefore found Allegation 4b proved.

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

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

In doing so, the panel had regard to the document teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

The panel first considered whether the conduct of Mr Hadden in relation to the facts found proved, involved breaches of the teachers' Standards.

The panel considered that, by reference to Part 2, Mr Hadden 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
 - showing tolerance of and respect for the rights of others
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards

- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Hadden's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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

The panel found that none of these offences were relevant.

The panel considered that Mr Hadden's conduct in respect of his sexual touching of a female colleague's breast was particularly serious. It also noted that this was done in the presence of a vulnerable pupil with Mr Hadden saying, "no Pupil X, I've told you before, it's this", which it determined increased the significance of the conduct. The panel equally determined that a failure to adhere to management advice was of significant concern, given the importance of such communications within the school environment.

The panel noted that allegations 1di and 1dii took place outside the education setting. However, the panel was cognisant of the fact that the messages were part of a broader discussion that concerned school matters, and also the communication was between colleagues who were both in the school environment. The panel therefore determined that these allegations could still affect the way Mr Hadden fulfilled his teaching role.

The panel however did not determine that the messages encapsulated with Allegation 1di and Allegation 1dii in addition to the remark at Allegation 1cii crossed the threshold for the definition of Unacceptable Professional Conduct. Whilst clearly inappropriate, and of a sexual nature, the panel was of the view that the remarks were not of a seriously significant nature so as to warrant such a finding. Ultimately, the panel considered that these were all inappropriate remarks but given the context of the communication, the panel had sight of communication between Mr Hadden and Witness B which was of an overtly friendly and informal tone. Notwithstanding Witness B's explanation that she felt uncomfortable engaging in these communications, the panel did not consider that they therefore meant that Mr Hadden's actions fell significantly short of the expected standard, given the overall circumstances.

For these reasons, the panel was satisfied that the conduct of Mr Hadden amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. It accordingly found that Mr Hadden's actions amount to unacceptable professional conduct.

In relation to whether Mr Hadden's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents

and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Hadden's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Hadden was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

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

The panel considered that Mr Hadden's conduct could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Hadden's actions constituted 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 protection of other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In the light of the panel's findings against Mr Hadden, which involved the touching of a colleague's breasts in the presence of a vulnerable pupil, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and 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 Hadden 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 Mr Hadden was outside that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Hadden in the profession. The panel was aware that through his written submissions, Mr Hadden made reference to a testimonial in support of his teaching from a member of senior leadership, however it had not had sight of this. The panel therefore acknowledged that it could not comment specifically on his abilities as a teacher.

The panel decided that there was a public interest consideration in retaining Mr Hadden in the profession, since no doubt had been cast upon his abilities as an educator or his ability to make a valuable contribution to the profession. Mr Hadden has had a long teaching career, with no previous regulatory or disciplinary findings made against him, which the panel considered to be indicative of a positive contribution to the teaching profession. It also noted that it had been advised that he had a specialist skillset, which was indicative of a valuable impact on the teaching profession. Mr Hadden had taught a semi-formal curriculum, applying a primary school type learning model to a secondary SEND school environment, and it was determined that this experience was valuable.

The panel however considered that any public interest in Mr Hadden being retained within the teaching profession must be considered against the other serious public interest considerations in this case, given the fact that it had found that his behaviour had 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.

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

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;
- sexual misconduct, e.g. 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;
- a deep-seated attitude that leads to harmful behaviour;

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.

The panel considered that it had seen no evidence that Mr Hadden's actions were not deliberate. It also did not believe that he was acting under duress. The panel however acknowledged that Mr Hadden did have a previously good history, having no previous regulatory or disciplinary findings made against him. It also noted that he had contributed to a specialised school environment which was indicative of a positive contribution to the profession. The panel also noted that during his live evidence, Witness D had commented that Mr Hadden had created an environment where "kids were happy" to participate in learning, and that he had been described as "friendly".

The panel noted that it had been provided with very little by Mr Hadden and therefore could not comment with regard to the degree of any insight that he held. The panel equally could not comment with regard to any remorse held by Mr Hadden, or any steps that he may have taken with regard to remediation.

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 Hadden 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 Hadden. The inability to comment on any insight or reflection that Mr Hadden may have

done, in addition to the severity of the allegations was a significant factor in forming that opinion. It was noted that during his written submissions, Mr Hadden had suggested that he had not received any training, following a letter of written of advice in relation to an issue of professional conduct that the panel considered to be a basic expectation of all teachers. The panel noted that this was indicative of a need for reflection and training. 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 certain types of cases where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the listed characteristics were engaged by the panel's findings.

The panel determined that whilst Mr Hadden's actions were serious, they were not so serious that they could not be remediated in future. The panel additionally considered that whilst it had made findings of a serious nature, Mr Hadden's actions were towards the lower end of the scale in terms of the context of sexual misconduct. The panel considered that in absence of any evidence of reflection by Mr Hadden, a prohibition order was necessary as set out above.

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.

The panel determined that a prohibition order, with a review period of two years would be appropriate and proportionate in the circumstances.

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 and found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Hadden 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
 - showing tolerance of and respect for the rights of others
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are serious as they include a finding of sexual touching of a female colleague's breast and failing to adhere to management advice.

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 and 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 Hadden, 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 the light of the panel's findings against Mr Hadden, which involved the touching of a colleague's breasts in the presence of a vulnerable pupil, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and 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 noted that it had been provided with very little by Mr Hadden and therefore could not comment with regard to the degree of any insight that he held. The panel equally could not comment with regard to any remorse held by Mr Hadden, or any steps that he may have taken with regard to remediation." In my judgement, the lack of evidence of insight or 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 Hadden was not treated with the utmost seriousness when regulating the conduct 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 Hadden himself and the panel comment, "The panel considered that it had seen no evidence that Mr Hadden's actions were not deliberate. It also did not believe that he was acting under duress. The panel however acknowledged that Mr Hadden did have a previously good history, having no previous regulatory or disciplinary findings made against him. It also noted that he had contributed to a specialised school environment which was indicative of a positive contribution to the profession. The panel also noted that during his live evidence, Witness

D had commented that Mr Hadden had created an environment where “kids were happy” to participate in learning, and that he had been described as “friendly”.

A prohibition order would prevent Mr Hadden 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, “The panel decided that the public interest considerations outweighed the interests of Mr Hadden. The inability to comment on any insight or reflection that Mr Hadden may have done, in addition to the severity of the allegations was a significant factor in forming that opinion. It was noted that during his written submissions, Mr Hadden had suggested that he had not received any training, following a letter of written of advice in relation to an issue of professional conduct that the panel considered to be a basic expectation of all teachers.”

I have also placed considerable weight on the finding that “The panel noted that allegations 1di and 1dii took place outside the education setting. However, the panel was cognisant of the fact that the messages were part of a broader discussion that concerned school matters, and also the communication was between colleagues who were both in the school environment. The panel therefore determined that these allegations could still affect the way Mr Hadden fulfilled his teaching role.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hadden 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 evidence of remorse or 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 determined that whilst Mr Hadden’s actions were serious, they were not so serious that they could not be remediated in future. The panel additionally considered that whilst it had made findings of a serious nature, Mr Hadden’s actions were towards the lower end of the scale in terms of the context of sexual misconduct. The panel considered that in absence of any evidence of reflection by Mr Hadden, a prohibition order was necessary as set out above.”

I agree with the panel and have decided that a 2 year review period is proportionate in this case to satisfy the maintenance of public confidence in the profession.

This means that Mr Robin Hadden 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 27 March 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 he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Hadden remains prohibited from teaching indefinitely.

Mr Hadden has a right of appeal to 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: 20 March 2025

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