



Teaching  
Regulation  
Agency

# **Mr Josh Holdcroft: Professional conduct panel outcome**

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

**March 2025**

## Contents

Introduction	3
Allegations	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	6
Findings of fact	8
Panel's recommendation to the Secretary of State	26
Decision and reasons on behalf of the Secretary of State	29

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

<b>Teacher:</b>	Mr Josh Holdcroft
<b>TRA reference:</b>	22110
<b>Date of determination:</b>	28 March 2025
<b>Former employer:</b>	Coppice Performing Arts School, Wolverhampton

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 November 2024 and 26 November 2024, 20 January 2025 and 26 March 2025 to 28 March 2025 date by way of a virtual hearing, to consider the case of Mr Josh Holdcroft.

The panel members were in November 2024 Ms Rachael Fidler (teacher panellist – in the chair), Ms Debra Vaughan (lay panellist) and Ms Victoria Jackson (teacher panellist). In January 2025 and March 2025, the panel comprised Ms Victoria Jackson (teacher panellist – in the chair), Ms Debra Vaughan (lay panellist) and Mr Richard Young (lay panellist).

The legal adviser to the panel was Helen Kitchen of Blake Morgan, solicitors, save for 20 January 2025 when the legal adviser to the panel was Delme Griffiths of Blake Morgan, solicitors.

The presenting officer for the TRA was Mr Alexis Dite of Counsel.

Mr Josh Holdcroft was present and was represented by Mr Lawrence Shaw, Senior Regional Officer of NASUWT.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 21 August 2024.

It was alleged that Mr Josh Holdcroft was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he whilst working as a Drama Teacher at Coppice Performing Arts School:

1. Between 29 August 2022 and 26 March 2023, he exchanged WhatsApp messages with Pupil A and/or Pupil B, which were:
  - a. Of an inappropriate and/or over-familiar nature;
  - b. Of a considerable volume;
  - c. Sent late at night and/or on weekends;
  - d. Sent on school holidays.
2. Between 12 April 2022 and 19 October 2022, he exchanged emails with Pupil A, which were:
  - a. Of an inappropriate and/or over-familiar nature;
  - b. Of a considerable volume;
  - c. Sent outside of school hours, including late at night and/or weekends.
3. Between 14 November 2022 and 4 December 2022, he did not report safeguarding disclosures made by Pupil A to the Designated Safeguarding Lead.
4. On 18 March 2023, he took Pupil A and Pupil B on a trip to [REDACTED] which had not been organised and/or approved by the School.
5. On an unknown date, he was uncomfortably and/or unnecessarily close to Pupil A while [REDACTED].
6. On or around 9 February 2023, he behaved aggressively towards Pupil A, including holding her by the shoulders.
7. He had an inappropriate and/or over-familiar relationship with Pupil A, in that he:
  - a. Discussed hugging her;
  - b. Had conversations about her employment and salary;
  - c. Exchanged messages to organise trips outside of school hours;

d. Discussed a relationship with Pupil A in August/September when she will have left school;

e. Discussed his personal life, including when he was out and drinking alcohol.

8. His actions at paragraphs 1,2,4,5 and 7 above were sexually motivated.

Mr Holdcroft admitted the facts of allegations 1, 2, 3, 4, and 7. He denied the facts of allegations 5, 6 and 8.

Mr Holdcroft indicated that “*in an overall sense*” he accepted that his actions in the admitted allegations constituted actions which could constitute unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Summary of evidence

### Documents

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

Section 1: Chronology and List of Key People – pages 4 to 6

Section 2: Notice of Hearing and Response – pages 7 to 18

Section 3: Teaching Regulation Agency Witness Statements – pages 19 to 34

Section 4: Teaching Regulation Agency documents – pages 35 to 512

Section 5: Teacher documents – pages 513 to 529

In addition, the panel agreed to accept the following:

Statement of Agreed Facts – pages 1 to 5

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing and the statement of agreed facts.

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 - [REDACTED]; and

Witness B - [REDACTED].

Mr Josh Holdcroft also gave oral evidence to the panel.

## **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 Holdcroft was employed at the School from 1 September 2018 as a Teacher of Drama. This was his first teaching position. He was responsible for teaching pupils from the ages of 11 to 18.

Pupils A and B were pupils at the School. They were in [REDACTED] at the School when the allegations came to light, in March 2023.

On 20 April 2020, Mr Holdcroft established [REDACTED] ("the Drama Club"). It was run independently of the School but took place on the school site and only pupils from the School attended. No money was exchanged between the School and the Drama Club. [REDACTED]

In March 2022, a trip was allegedly arranged by Mr Holdcroft to the [REDACTED] involving Pupils A and B, without the School's knowledge.

On 9 February 2023, Mr Holdcroft allegedly acted aggressively towards Pupil A, holding on to her shoulders, in a private meeting he had with her at the back of the [REDACTED].

On an unknown date, in or around late March 2023, Mr Holdcroft was allegedly uncomfortably and/or unnecessarily close to Pupil A [REDACTED] at a drama production rehearsal.

On the evening of 28 March 2023, Pupil A informed Person C, [REDACTED], of her concern about Mr Holdcroft being too close to her [REDACTED]. Pupil A also informed Person C that Mr Holdcroft had allegedly been communicating with her and another pupil via WhatsApp and informed her of the occasion when she alleged that Mr Holdcroft had acted aggressively towards her.

That same evening, Person C made Witness A, [REDACTED], aware of these allegations.

The following day Witness A and Person D, [REDACTED], met with Pupil A to discuss the allegations with her.

At around this same time it became apparent that Pupil B had also been involved in WhatsApp conversations with Mr Holdcroft. A copy of the WhatsApp conversations between Pupil B and Mr Holdcroft was obtained from Pupil B. Email exchanges between Mr Holdcroft and Pupils A and B were also obtained from the School's email system.

On 29 March 2023, Mr Holdcroft was suspended.

On 6 April 2023, a LADO Position of Trust meeting was held.

Between 11 and 27 April 2023, an investigation was undertaken by Witness B, [REDACTED], into the allegations raised in relation to Mr Holdcroft.

On 23 May 2023, Mr Holdcroft resigned from the School.

On 9 June 2023, a referral is made by the School's HR [REDACTED] to the TRA.

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions. It accepted the legal advice provided.

The panel noted that Exhibits 7 and 8 to the statement of Witness B were admitted as hearsay evidence at the hearing, in accordance with an earlier case management direction. Exhibit 7 was the notes of interview between investigator Witness B and Person D. Exhibit 8 was the notes of interview between investigator Witness B and Person C.

The Panel approached all of the hearsay evidence before it with caution, giving it close scrutiny to determine its reliability and compatibility with factors presented in other evidence and then decided what weight, if any, it attached to it. It understood that it needed to have regard to the factors set out in the Civil Evidence Act 1995 in assessing the weight to be attached to hearsay evidence including whether it was made contemporaneously with the occurrence of the matters addressed within it and whether it included multiple hearsay.

The panel confirmed that it had not relied upon any findings made, or opinions expressed, during the earlier investigation or subsequently. It formed its own view of the allegations based on the evidence presented to it.

The panel had exercised its own judgment in determining whether to accept the admissions made by Mr Holdcroft.

The panel applied the civil standard "on the balance of probabilities" in its decision making on the disputed factual allegations. In making its decisions, including on the issue of sexual motivation, it had regard to Mr Holdcroft's good character.

The panel exercised its own judgement in deciding whether or not Mr Holdcroft's proven conduct amounted to unacceptable professional conduct and/or conduct that may bring

the profession into disrepute. In making its decisions on these matters the panel disregarded any facts and allegations which it found not proven at an earlier stage of its decision-making process.

## **Findings of fact**

The findings of fact are as follows:

- 1. Between 29 August 2022 and 26 March 2023, you exchanged WhatsApp messages with Pupil A and/or Pupil B, which were:**
  - a. Of an inappropriate and/or over-familiar nature;**
  - b. Of a considerable volume;**
  - c. Sent late at night and/or on weekends;**
  - d. Sent on school holidays.**
- 2. Between 12 April 2022 and 19 October 2022, you exchanged emails with Pupil A, which were:**
  - a. Of an inappropriate and/or over-familiar nature;**
  - b. Of a considerable volume;**
  - c. Sent outside of school hours, including late at night and/or weekends.**

The panel considered allegations 1 and 2 sequentially but have set out below its reasoning in relation to both allegations.

Allegations 1a, 1b, 1c, 1d and 2a, 2b and 2c were admitted by Mr Holdcroft.

The panel had before it a large number of WhatsApp messages and emails between Mr Holdcroft and Pupil A and WhatsApp messages between Mr Holdcroft and Pupil B. It noted that the communications with Pupil A were more extensive than with Pupil B, which Mr Holdcroft accounted for, at least in part, by his having more face-to-face contact with Pupil B than with Pupil A and his developing what he considered to be a closer friendship to Pupil A by October 2022.

Mr Holdcroft accepted that it was inappropriate for him to communicate with students via social media.

In his written evidence before the panel Mr Holdcroft stated that he had known Pupil A since she was in [REDACTED] at the School and had known Pupil B since she was in [REDACTED]. [REDACTED] the Drama Club, which Mr Holdcroft said he worked as a



collaboration, with all members having equal importance to himself, which changed the relationship dynamics. [REDACTED] (the Dance Group), with which Mr Holdcroft took on an association.

In his statement of agreed facts Mr Holdcroft accepted that the volume and timings of the messaging and emailing to Pupil A was considerable and “*in excess*” and should not have happened. He accepted that he sent approximately 3000 messages in total to Pupil A and, on one evening, there were approximately 125 messages sent between 6.00pm and midnight. He agreed that he messaged at the weekends and during the holidays, which he accepted was inappropriate.

Mr Holdcroft further accepted that he sent a high number of WhatsApp messages to Pupil B, which, on occasion, were sent late in the evening, at weekends and in school holidays, and were of considerable volume. He agreed that on one occasion there were approximately 50 messages exchanged by him with Pupil B.

Mr Holdcroft agreed that the emails and/or WhatsApp messages sent by him to Pupil A and Pupil B were on occasion over-familiar and inappropriate. This included his sending messages about staying friends after they left school.

Mr Holdcroft stated that he fell into the habit of messaging the students as he would friends and checking in and “*speaking*” to them like a friend. Mr Holdcroft messaged late in the day after he had completed work and the messaging would become informal, like catch ups.

Mr Holdcroft understood that boundaries became blurred. He started to see the two pupils not just as students but as friends. He was seeking to provide an outlet for students and became, at points, more of a friend. Mr Holdcroft realised how unprofessional this was, he had allowed himself to become:

*“consumed in a friendship that should never have happened”.*

He regretted not putting his role as a teacher at the forefront and allowing messaging to move into social conversations and inappropriate topics.

In his oral evidence Mr Holdcroft informed the panel that, as a result of his [REDACTED] circumstances, he had spent as much time as he could away from home and at work, developing his career. In consequence, his friendship circle had reduced, [REDACTED] He saw more of Pupils A and B than his own friends and family, meeting them at school, [REDACTED].

He told the panel that, in consequence of this, and due to the commonalities between himself and Pupils A and B, he started, he accepted inappropriately, to blur professional

boundaries and viewed and communicated with Pupils A and B via WhatsApp and/or email as friends rather than as pupils.

Mr Holdcroft told the panel that, over time, he had thought that his friendship with Pupil A had developed into a closer friendship, and, by late 2022, she had become one of his 2 or 3 closest friends and one of the few people he felt he was really able to talk to. He wanted to communicate this to Pupil A but felt difficulty in doing so, having some awareness that this would not be appropriate between a teacher and a pupil. He was also unsure how this would be received by her and if she would reciprocate his closer friendship. In consequence he intimated that he wanted to speak to Pupil A about something but mentioned waiting until after she had left school before he told her that something.

The panel considered the large number of WhatsApp and email exchanges between Mr Holdcroft and Pupil A. It found them to be voluminous in number and informal, personal and overly familiar in tone and content. They included questions about Pupil A's life and her choice of university, and about Mr Holdcroft meeting Pupil A whilst Pupil A was at work, delivering a Christmas present to Pupil A's workplace and meeting in a pub when they were both there at the same time. Mr Holdcroft also mentioned needing to speak to Pupil A [REDACTED], being at later time when she would have left the School.

The panel also had sight of WhatsApp messages between Mr Holdcroft and Pupil B which, whilst less frequent than messaging with Pupil A, the panel found to be numerous and inappropriate, including being over-familiar and not relating to school or schoolwork.

From its consideration of the messages and emails in the bundle, the panel noted that the messaging and/or emailing with the two pupils spanned a period from April 2022 to March 2023 and included frequent messaging in the late evenings and messaging at night, at weekends and at holiday times, including in the summer holiday period. The panel also noted that the messaging was primarily initiated by Mr Holdcroft, an analysis of the WhatsApp messaging between Mr Holdcroft and Pupil A having established that 75% were found to have been initiated by him.

The panel noted the following as examples from the wide-ranging messaging and/or emailing that took place between Mr Holdcroft and Pupil A and B:

Messaging between Mr Holdcroft and Pupil A:

- On 21 October 2022, at 20.16:

*"It's karaoke in this room" "I've put us down for a duet"*

exchanged when he and Pupil A were in the same pub but in different areas of the pub, and, on the same evening, a message at 22.31:

*"I take it you're on the dance floor".*

- On 21 October 2022, at 22.50, regarding using WhatsApp:

*"if you don't mind me using it to contact you as a teacher/company director/friend".*

- On 06 November 2022, a Sunday, at 21.47:

*"brought a small Christmas tree for my office. Will need a help decorating soon – need to turn it into a grotto".*

- On 25 November 2022, at 20.43:

*"Literally if we were to FaceTime you would be the person I speak to the most".*

- During message exchanges that took place on 24 and 25 December 2022, and included 31 messages, including:

*"how's your evening been" at 00.59 on 24 December 2022,*

*and at 01.19 on 25 December 2022:*

*"Also what time do you normally go sleep (sic) Christmas night"*

- On 31 January 2023, at 21.11:

*"I wonder if I'll receive a midnight message tonight".*

- The panel also noted that on 6 January 2023 over 100 messages were exchanged between Mr Holdcroft and Pupil A.

Messaging between Mr Holdcroft and Pupil B:

- On 14 October 2022, at 23.08:

*"Just checking you drink latte? Or mint tea? For Wednesday",*

*and, at 23.11:*

*"Hopefully you'll (sic) dad be home soon haha (not my fault haha)".*

- On 22 October 2022:

*“Hello sorry to message first day of the holidays just wanted to share an extra contact I’ve made for you”.*

- On 28 October 2022, he exchanged over 30 messages between 18.47 and 19.33 with Pupil B.
- On 19 November 2022, between 20.58 and 22.30 he exchanged over 50 messages with Pupil B.
- On 16 December 2022, at 20.35:

*“I think you’re at the best when you’re (sic) hairs is down (sic)”.*

- On 21 December 2022, in the school holidays, at 23.57, within an exchange that continued from 21 December 2022 at 23.51 until 22 December 2022, at 00.22:

*“Meet for a coffee and chat about getting this sorted. Obviously I’ll check its okay with your parents first”.*

- The panel noted that on 24 and 25 December 2022 Mr Holdcroft exchanged 28 messages with Pupil B including 17 between 22.50 on 24 December 2022 and 00.18 on 25 December 2022.

Emails between Mr Holdcroft and Pupil A:

- On 30 May 2022:

*“That was a very nice cup of coffee”.*

- On 30 May 2022:

*“Random one – I’m needing to pop to the [REDACTED] today for my [REDACTED] so might bump into you. If not enjoy your week off(ish)”.*

- On Sunday 2 October 2022, emails were exchanged between 20.48 and 21.18 and in a later email exchange that same day, initiated by Mr Holdcroft, at 01.10 and which continued until 01.28:

at 01.10:

*“How did the [REDACTED] go?*

*Yes that’s absolutely fine, we can have a cuppa and a chat haha ...*

*(Trying to be a bit less formal :)”*

at 01.28:

*“I don’t blame you [for trying to get some sleep]! I’m also thinking it’s time for bed*

*If I don’t email tomorrow I’ll see you Monday – I’ll be in school from 7.10 on Monday if you just want to pop in...for a cuppa and a chat”.*

- On Sunday 9 October 2022 an exchange which took place between 21.12 and 21.31.
- On 19 October 2022 at 22.21:

*“See you tomorrow :) Now get some sleep!!  
Many thanks.”*

It also found that, on other occasions there were other emails exchanges between Mr Holdcroft and Pupil A late in the evening which included emails sent by Mr Holdcroft on:

- 15 May 2022 at 20.05;
- 20 May 2022 at 22.03;
- 30 May 2022 at 22.03;
- 6 June 2022 at 22.22;
- 19 July 2022 at 21.49; and
- 30 September 2022 at 23.08.

The panel noted the reported impact of Mr Holdcroft’s conduct on Pupils A and B. When Pupil A made her report of her concerns to Person D, Person D recorded her as being *“anxious”* and *“becoming upset”* when talking about the messages. Witness A recorded that Mr Holdcroft’s communications with Pupil B *“were now making her uncomfortable”*. Mr Holdcroft accepted in his oral evidence that his actions had had a negative impact on Pupils A and B and expressed that he was sorry for this, it was unintended.

The panel observed that the School’s Staff Code of Conduct, which had been read by Mr Holdcroft, expressly stated that:

*“Staff should not attempt to contact students or their parents via social media, or any other means outside school.”*

The Code also stressed the importance of teachers, at all times, observing proper boundaries appropriate to a teacher’s professional position.

The panel was aware that, in the School’s investigation, Mr Holdcroft had accepted that by messaging the pupils as he did he had overstepped boundaries and saw the pupils as friends. He also referred to *“leaning on pupils”*. The panel found that he had been consistent in his admissions since that time.

In light of the admissions made by Mr Holdcroft to the TRA and his explanations for his actions, which were consistent with the evidence before the panel, and which it accepted, the panel found allegations 1a, 1b, 1c and 1d and 2a, 2b and 2c proven.

**3. Between 14 November 2022 and 4 December 2022, you did not report safeguarding disclosures made by Pupil A to the Designated Safeguarding Lead.**

Allegation 3 was admitted by Mr Holdcroft.

Mr Holdcroft accepted that Pupil A had disclosed reportable issues to him, in the timescale specified, about a number of personal matters.

Pupil A’s concerns included issues she disclosed, on 14 November 2022, relating to a [REDACTED].

She also told him, on 26 November 2022, about her [REDACTED]

On 4 December 2022, Pupil A also disclosed that she had received [REDACTED]:

*[REDACTED]*

Mr Holdcroft did not report these to the School safeguarding lead, a process of which he was aware. He accepted that his inaction in not raising safeguarding concerns was not acceptable as it did not meet safeguarding standards. He believed that the relevant issues were *“already in hand”* or that he could deal with them himself. By seeing Pupil A as a friend, or even at times a younger sister, he had believed he was able to support her enough.

Mr Holdcroft accepted that he should have reported concerns if students were at risk of harm, and did not have the authority to have made the decision he did to deal with the issue himself. He was concerned, at the time, at the impact this might have had on his rapport with Pupil A. He told the panel he would now put his teacher role first.

Mr Holdcroft stated that he had raised the issues with Person C, his line-manager and a teacher of 20 years' experience. They had had on-going discussions about Pupil A and the difficulties she was experiencing. He understood from Person C that she was aware of, and would be following up, issues but accepted that he should have followed it up himself.

The panel had sight of the various messages exchanged between Mr Holdcroft and Pupil A in November 2022, in which Pupil A had disclosed [REDACTED] and their impact on her, and in December 2022, in which she raised concerns about [REDACTED]. The panel determined that these disclosures should have led to Mr Holdcroft raising safeguarding concerns with the Designated Safeguarding Lead.

Safeguarding, including the reporting of concerns, was an individual responsibility of all teachers. The reporting of the same concerns by two teachers would always be preferable to concerns not being made known due to an individual teacher's failure to fulfil their own safeguarding responsibilities.

In light of the admissions, which were consistent with the evidence before the panel, the panel found allegation 3 proven.

**4. On 18 March 2023, you took Pupil A and Pupil B on a trip to [REDACTED] which had not been organised and/or approved by the School.**

Allegation 4 was admitted by Mr Holdcroft.

This concern came to light in consequence of the review of Mr Holdcroft's messaging with Pupils A and B. These disclosed that he had organised a trip [REDACTED] with Pupils A and B which was also attended by [REDACTED] Person E, [REDACTED]

Witness A informed the panel that it would have been good practice for the Drama Club to have followed the School's visit policy for arranging trips, as the Club was held at the School. The School would ensure that necessary arrangements, such as insurance, were in place. However, there appeared to the panel to be a lack of clarity in her evidence as to whether the Drama Club was a School club or was run independently of the School, although on the School's premises. When questioned by the panel, Witness A described compliance with the School's visit policy as an expectation rather than a requirement.

Mr Holdcroft accepted that the trip, [REDACTED], was not organised through the School and the School was not aware of it.

Mr Holdcroft stated that this was his first trip he had run through the Drama Club. He followed the procedures he understood had been used by another dance company, completing a risk assessment, obtaining insurance and gaining consent from parents.

Person E, in a statement provided to the panel, stated that he was aware that the consent of the pupils' parents was obtained before the trip [REDACTED].

Mr Holdcroft said that he had raised the trip with Person C, [REDACTED] who, he said, raised no issues. He believed he had done what was needed and was not aware that visits organised by the Drama Club needed to follow the processes for trips to take place through the School. He accepted that he now realised that he should have carried out his own research and ensured that he communicated with those who approved trips to ensure he had all the right information, the right procedures were followed and that he liaised with the School.

In light of the admissions, which were consistent with the evidence before the panel, the panel found allegation 4 proven.

The panel also found as matters of fact that there was a lack of clarity and understanding at the School regarding the status of the Drama Club and that it was an expectation, rather than a requirement, that the School visit's policy be followed by the Drama Club.

**5. On an unknown date, you were uncomfortably and/or unnecessarily close to Pupil A [REDACTED].**

Mr Holdcroft denied allegation 5.

In the notes of the investigatory interview between Person D and Witness B, Person D provided her recollection of an account provided to her by Pupil A of an occasion when Pupil A felt uncomfortable [REDACTED]. Pupil A said that Mr Holdcroft demonstrated how he should kiss her [REDACTED]. He did not kiss her but leant over her, which made her feel uncomfortable.

In the notes of the investigatory interview between Person C and Witness B, Person C provided her account of Pupil A stating to her, on 27 March 2023, that during a [REDACTED] Mr Holdcroft had enacted an intimate scene with her where he leans in as if to kiss her. Pupil A felt embarrassed as there were other students in the room, she felt it was inappropriate behaviour.

Witness A stated that she had been emailed by Person C about concerns raised by Pupil A with Person C which included Pupil A feeling uncomfortable [REDACTED] as Mr Holdcroft had enacted a scene with a kiss and Pupil A felt that he was too close and people were talking. Witness A had met with Pupil A the next day to discuss the pupil's concerns but had made no notes of that meeting.

Mr Holdcroft gave evidence that, [REDACTED] modelling was used [REDACTED], he having been asked by Person C to run the scene. He modelled what one student, and then what Pupil A, were to do before the full cast. This included one pupil leaning over and Pupil A leaning back. He said that he ensured there was appropriate space between



himself and Pupil A when he was modelling and did not accept that he was unnecessarily or uncomfortably close to her. No complaint was made by Pupil A, or any other student, at the time.

The panel noted that the evidence in support of this allegation from Pupil A was brief and was second hand hearsay. The panel had no direct account provided by Pupil A and had no sight of notes taken at the time when the concerns were reported to Person C. It also noted that Witness A had made no notes of her meeting with Pupil A. In addition, without Pupil A's attendance as a witness, it was not possible for the panel to ask Pupil A questions, or gain additional information, about what was alleged to have taken place. Taking account of these matters, the Panel did not consider it appropriate to place any substantive weight on the accounts provided by Pupil A.

The panel was also mindful that the incident was said to have taken place before other pupils, but no other pupil, or parent, had raised any concern.

On balance, taking all of these factors into account, the Panel preferred the evidence of Mr Holdcroft, who denied the allegation, to the evidence before it of the accounts provided by Pupil A.

On this basis and applying the evidential standard of the balance of probabilities, the panel did not find this allegation to be made out.

The panel therefore found allegation 5 not proven.

**6. On or around 9 February 2023, you behaved aggressively towards Pupil A, including holding her by the shoulders.**

Mr Holdcroft denied allegation 6.

The primary evidence before the panel in relation to this allegation was provided by the account provided by Person C to Witness B during the course of Witness B's investigation in relation to Mr Holdcroft. The record made of this account had been signed by Person C as being correct in April 2023.

Person C's account was that she had fed back to a departmental meeting on 9 February 2023 about a meeting she had had with Pupil A. She said that Mr Holdcroft was extremely irrational about why Pupil A had spoken to Person C and Person C was stern with him saying that a child could meet with any staff member.

Person C's account recorded that Pupil A had told her that Mr Holdcroft had called a meeting with Pupil A after this, a private meeting [REDACTED] when he became aggressive with her and she cried and he had held/grabbed onto her shoulders.

Person C did not appear as a witness in the hearing and the panel had no signed TRA statement from her.

Mr Holdcroft, in his evidence to the panel recalled the occasion when it was said that this incident took place. He said he met Pupil A, after she had spoken to Person C, [REDACTED] an area that was open and close to places with a good level of people traffic. He wanted to ensure that Pupil A had not received conflicting guidance about her drama, he and Person C having different skill sets. Mr Holdcroft stated that he did not become angry or aggressive at any time with Pupil A and did not touch her at all, either by the shoulders or in any other way.

The panel noted that the evidence in support of this allegation was second hand hearsay and it was not possible for the panel to ask questions, or gain additional information, about what was alleged to have happened to enable the panel to assess the nature and appropriateness (or otherwise) of what had taken place. Taking this into account, the panel was not properly able to place, and did not place, any substantive weight on the evidence of the account provided by Pupil A.

The panel preferred the evidence from Mr Holdcroft, who denied the allegation, to the account of the evidence provided by Pupil A.

On the basis of the evidence before the panel, and applying the evidential standard of the balance of probabilities, the panel did not find this allegation to be made out.

The panel therefore found allegation 6 not proven.

**7. You had an inappropriate and/or over-familiar relationship with Pupil A, in that you:**

- a. discussed hugging her;**
- b. had conversations about her employment and salary;**
- c. exchanged messages to organise trips outside of school hours;**
- d. discussed a relationship with Pupil A in August/ September when she will have left school;**
- e. discussed your personal life, including when you are out and drinking alcohol.**

Mr Holdcroft admitted allegation 7a, 7b, 7c, 7d and 7e.

In respect of allegation 7a, the panel had sight of a number of WhatsApp messages when Mr Holdcroft discussed hugging Pupil A including the following:

- *"I was actually going to give you a hug at one point"*
- *"Guess it [the beer he is drinking] correctly I give you a hug haha" and when she guesses correctly "Yes haha I owe you a hug haha"*
- *"I also now owe you two hugs"*

and

- *"tomorrow I'm going to give you that hug I owe you and say you're doing great".*

In relation to allegation 7a, Mr Holdcroft stated that it was a common, running, joke [REDACTED] that he was the most *"emotionless drama teacher"* and that the comments were made in jest and were sarcastic. Students were aware that he found contact with anyone extremely uncomfortable, including just a handshake.

In respect of allegation 7b, the panel had sight of a number of WhatsApp messages when Mr Holdcroft had conversations with Pupil A about her job and her salary including the following:

- *"How do you find the pay?"*;
- *"I so think you should just stop [work]"*;
- *"remind me how often are you in work this week coming"*;
- *"....how much a month do you get?"*;
- *"if I could get 70-80 a month to you would you drop you're (sic) job?"*

In relation to allegation 7b, Mr Holdcroft stated that he was aware that Pupil A [REDACTED] would come to find him to discuss her work and possibly leaving it. He said that Pupil A's [REDACTED] was aware of this being discussed between them. He was in the process of applying for funding to recognise [REDACTED] but had not got into the finer details of this.

In respect of allegation 7c, the panel had sight of a number of WhatsApp messages when Mr Holdcroft exchanged messages to organise trips outside school hours including the following:

- *"I've managed to reserve [REDACTED] rooms – you two [pupils] sharing a double..for two nights. How's (sic) that sound"*;

- *“How do you fancy ninja warrior in [REDACTED] as trip (sic)?”;*
- *“For travelling to [REDACTED]. 09.45 ...I’ll meet you either at yours or top of [omitted] Road. Then walk down to top of [omitted] Lane to meet you. Then we’ll walk to Person E’s ...We will then be doing a number of shoots so we have a variety of shots to choose and play with”.*

In relation to allegation 7c, Mr Holdcroft stated that they had discussed trips that were going to be organised through the Drama Club and he was seeking to gain an understanding from Pupil A and Pupil B if the rest of the club would be interested.

In respect of allegation 7d, the TRA relied on Mr Holdcroft’s WhatsApp messages when he referenced telling Pupil A something in August/September [REDACTED].

The panel found that there was no mention in the messaging of a relationship with Pupil A, and on this basis the allegation, as worded, was not supported by the evidence.

In relation to allegation 7d, Mr Holdcroft had stated that these discussions were around Pupil A [REDACTED] and his being available to support her with starting university. He had not discussed the possible role with his fellow director so was cautious about sharing information. He accepted that this was not something he should have been pushing.

In his oral evidence in relation to 7d, Mr Holdcroft referred to the reference to August/September being a reference to his wanting to discuss his having a closer friendship with Pupil A but thinking that this was not really appropriate whilst he remained her teacher. In consequence he did not mention it to her.

Taking account of the wording of this part of the allegation, 7d, the panel found this part of the allegation not made out.

In relation to allegation 7e, the panel had sight of a number of WhatsApp messages when Mr Holdcroft discussed his personal life including when he was out and drinking alcohol including the following:

- *“Are you all up dancing? I’ve not danced yet apart from in my seat”;*
- *“I’ve been at Cheltenham racing all day ..It’s been a great day but “don’t tell anyone” I had my first beer at 7.15 this morning;*
- *“I’m at the lovely [REDACTED] Apart from the match you had a good evening?”.*

In relation to allegation 7e, Mr Holdcroft accepted that he should not have discussed his personal life including when he was out and drinking alcohol, but it was a close-knit community which allowed him to be comfortable talking about such topics. He also saw the pupils' family members in the same pub which blurred lines of becoming a friend/family friend.

The panel determined that the subject matter of the various interactions between Mr Holdcroft and Pupil A specified in 7a, 7b, 7c and 7e were personal in nature and content and were examples of Mr Holdcroft's failure to maintain proper boundaries. They demonstrated an over-familiar and inappropriate relationship between Mr Holdcroft and Pupil A.

In light of the admissions, which were consistent with the evidence before the panel, the panel found allegations 7a, 7b, 7c and 7e proven.

The panel found allegation 7d not proven, the wording of that part not being supported by the evidence provided to the panel.

#### **8. Your actions at paragraphs 1, 2, 4, 5 and 7 above were sexually motivated.**

The panel did not consider this allegation in relation to allegation 5 or 7d as these had been found not proven.

Having found the facts of allegations 1, 2, 4, and 7a, 7b, 7c and 7e proven, the panel went on to consider whether Mr Holdcroft's conduct was sexually motivated.

On the basis of Mr Holdcroft's conduct and the context in which it occurred, the TRA submitted that the appropriate inference to draw was that Mr Holdcroft's actions were sexually motivated in relation to Pupils A and/or B, in terms of seeking a future sexual relationship.

The panel did not have the benefit of hearing first-hand, oral evidence, from the pupils but noted that there was no report of them raising any such concern with the School. In addition, the School had not raised any such concern, it having apparently been raised by the TRA on the basis of the materials before the panel.

In his evidence to the panel, including in his oral evidence, Mr Holdcroft strongly denied any sexual or improper motivation for his interactions with Pupils A and B. He stated that he had never had any sexual interest in students or young people. He accepted that he had formed what he believed were friendships with Pupils A and B, and a closer friendship with Pupil A by later 2022, which he accepted he should never have allowed to happen, but he had no underlying improper intention or motivation.

The panel took account of the fact that Mr Holdcroft was a person of prior good

character. Evidence was provided in that regard, which was unchallenged.

Mr Holdcroft's prior good character, particularly when considered in conjunction with the starting point that educational professionals are not in the habit of behaving in a sexually motivated way towards pupils, meant that the panel had firmly in mind the need to undertake a careful and vigorous scrutiny of the evidence before it.

In this context, being mindful of the legal advice provided to it, the panel proceeded to carefully consider if Mr Holdcroft's actions were sexually motivated.

The panel noted the cross overs between Pupils A and B and Mr Holdcroft in terms of his being their School drama teacher, his establishing and running the Drama Club [REDACTED], and his association with the Dance Group [REDACTED].

The panel had found that Mr Holdcroft had exchanged multiple communications with Pupil A and Pupil B, outside the formal dynamics of a teacher/pupil relationship and on WhatsApp and email without the knowledge of the School.

The panel had regard to the inappropriate nature and content of the communications and the inappropriate and over-familiar relationship Mr Holdcroft admitted he had developed with Pupils A and B, which included a trip [REDACTED], outside School, with Pupils A and B [REDACTED].

The panel found no sexual or suggestive element in any of the communications between Mr Holdcroft and Pupils A and B. The messaging and emails appeared to the panel to demonstrate Mr Holdcroft inappropriately seeking close friendships rather than sexual relationships. Although he had inappropriately met up with the pupils outside School, including taking a trip to [REDACTED] without the knowledge of the School, the panel noted that he had parental consent for this trip, he was accompanied by another drama teacher and it was primarily a trip linked to [REDACTED].

The panel noted that Mr Holdcroft had spoken of hugs but there was no allegation of him physically seeking hugs or hugs taking place.

There appeared to the panel to be no sexual comment, suggestion or innuendo in the communications. Although the inappropriate interactions appeared to escalate over time, the panel considered that this could reflect Mr Holdcroft's inappropriate belief that he and Pupil A were developing a closer friendship. The panel also considered that this reflected Mr Holdcroft's indication of his [REDACTED] at the relevant time.

For these reasons, on balance, the panel was not persuaded that the TRA had proven, to the requisite standard, that Mr Holdcroft's conduct was for the purpose of seeking sexual gratification or, that he was seeking a future sexual relationship with the pupils.

The panel was not satisfied that this was an appropriate inference to draw in all of the circumstances of the case. Rather, Mr Holdcroft's assertion that he was inappropriately seeking friendships with pupils seemed to the panel to be supported by the tone and content of the communications.

Having carefully considered all of the evidence, whilst the panel had found that Mr Holdcroft had undoubtedly conducted himself in an inappropriate and over-familiar way with Pupils A and B, which he fully accepted, the panel was not persuaded that Mr Holdcroft's conduct was sexually motivated.

The panel found allegation 8 not proven.

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

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

Both elements were admitted by Mr Holdcroft in relation to those allegations he admitted. Whilst the panel took that into account, it made its own, independent determination.

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 Holdcroft, in relation to the facts found proven, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Holdcroft was in breach of the following standards:

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

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

The panel considered that allegation 3, involved a failure by Mr Holdcroft to act within the statutory framework for safeguarding children. He was required to exercise his own professional accountability to safeguard children at the School and he failed to do so in relation to Pupil A by not reporting the issues she raised with him to the Designated Safeguarding Lead. This was a serious omission on Mr Holdcroft's behalf.

The panel was also satisfied that Mr Holdcroft's conduct in relation to the facts found proved in allegation 3, involved breaches of Keeping Children Safe in Education ("KCSIE").

The panel considered that Mr Holdcroft was in breach of the following provisions in relation to allegation 3:

- Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means they should consider, at all times, what is in the best interests of the child.
- When concerned about the welfare of a child, staff should always act in the best interests of the child.
- If staff have a concern they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or a deputy).

Mr Holdcroft had failed to act in the best interests of Pupil A by failing to report the issues that she had brought to his attention to the Designated Safeguarding Lead and thus ensuring that the Designated Safeguarding Lead was aware of all relevant matters and could take any appropriate steps that were needed in relation to those matters, in the best interests of Pupil A.

The panel was not satisfied that the conduct of Mr Holdcroft in relation to the facts found proved, involved breaches of Working Together to Safeguard Children.

The panel considered whether Mr Holdcroft's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 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 was relevant.



For the reasons given above, the panel found that Mr Holdcroft's actions in relation to allegation 3 were serious and amounted to unacceptable professional conduct.

In relation to allegation 4, the panel found that due to the lack of clarity and understanding of the status of the Drama Club that it would not have been clear to Mr Holdcroft that he was required to follow the School's educational visits policy. It appeared to the panel that, taking this, and the steps that Mr Holdcroft had taken, including to obtain parental consent, into account that his actions in taking pupils on a trip that had not been organised and/or approved by the School did not constitute unacceptable professional conduct.

In relation to the inappropriate communications with Pupils A and B, the panel accepted that Mr Holdcroft was seeking to provide support to them in his communications including as to educational matters. However, it also took into account the extensive number of the communications which happened over a substantive period of time, the often personal and over-familiar nature of their content and the times of day at which they were sent, often late in the evening and at times into the early hours of the morning. It also took into account Mr Holdcroft's failure to recognise, at the time, that a significant number of his communications with the pupils had crossed professional boundaries.

For these reasons the panel was satisfied that the conduct of Mr Holdcroft amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession in relation to each of the proven allegations, save for allegation 4.

Accordingly, the panel was satisfied that Mr Holdcroft was guilty of unacceptable professional misconduct, save in relation to allegation 4.

In relation to whether Mr Holdcroft'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 issues of disrepute, the panel also considered whether Mr Holdcroft'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 Holdcroft was guilty of unacceptable professional misconduct the panel found that none of these offences was 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 and could potentially damage the public's perception of a teacher.

For these reasons the panel found that the teacher's actions (save for allegation 4) constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of allegations 1a, 1b, 1c, 1d, 2a, 2b, 2c, 3, 7a, 7b, 7c, and 7e proved, the panel further found that Mr Holdcroft's conduct in relation to those matters 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 protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct within the teaching profession.

In the light of the panel's findings against Mr Holdcroft, which involved a failure to safeguard the interests of a pupil, the development of an inappropriate and over-familiar relationship with a pupil and inappropriate and over-familiar communication with two pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils given the serious findings of failure to properly report safeguarding issues and breaches of professional boundaries with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Holdcroft were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Holdcroft 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 Holdcroft in the profession. The panel decided that there was a public interest consideration in retaining Mr Holdcroft in the profession, since no doubt had been cast upon his abilities as an educator and he appeared to have made a range of contributions to the School through the development of various extra-curricular activities to enhance pupils' experiences.

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 Holdcroft.

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;
- failure to act on evidence that indicated a child's welfare may have been at risk.

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 accepted Mr Holdcroft's evidence that his actions were not intended to cause harm to pupils but to support them. However, Mr Holdcroft went far beyond the degree of support that he should have been providing and crossed professional boundaries, seeing and conducting himself as a friend to the pupils, instead of as a teacher. This, in part, led to him failing to act properly on safeguarding issues that came to his attention about a pupil for fear of it impacting on what he saw as a friendship, and a developing close friendship, with a pupil. His judgement was blurred by the friendships he considered he had developed with a pupil and this led to him not fulfilling his safeguarding reporting responsibilities.

Mr Holdcroft was not acting under duress but was acting out of a feeling of [REDACTED] which led to him inappropriately seeking, and developing, friendships with pupils. The panel considered that this was also a product, in part at least, of Mr Holdcroft being a young and relatively inexperienced teacher who was working in a close community, where he lived and in which he had been educated himself, where he had a number of close links with the pupils through the School, [REDACTED] and other groups, as well as

links through the wider community. [REDACTED]. The panel did not consider that Mr Holdcroft acted through any inappropriate motivation but nevertheless his actions had a negative impact on the pupils, himself and the school and on the wider teaching profession.

The panel also took into account the following factors:

- That Mr Holdcroft had a good previous record and was previously of good character.
- That Mr Holdcroft had made admissions in the School's regulatory process and in the TRA hearing.
- That Mr Holdcroft had apologised for the negative impact his conduct had upon the pupils, something which he accepted he had caused.
- That Mr Holdcroft had undertaken some safeguarding training since the events took place and was looking for additional opportunities to further his learning.
- Mr Holdcroft had demonstrated developed insight into what had gone wrong and the contextual issues that had led to him act as he did. He was minded, if he were to return to teaching, to avoid placing himself in a similar, situation again by seeking work at a school at some geographic distance from his home.
- The reference in the interview notes of Witness A, [REDACTED], to Mr Holdcroft being:

*"A very talented teacher. He gives his free time for extra-curricular activities, end of term events, Christmas events"*

- The statement provided by Person E which explained how helpful Mr Holdcroft had been to him when he started working as a teacher and how he said that Mr Holdcroft was viewed at the School:

*"as a trusted well-liked member of the school community by both pupils and staff".*

The panel found no aggravating factors in the case.

Taking account of the mitigating factors identified above, and Mr Holdcroft's developed insight and remorse, the panel was of the view that the risk of repetition had been minimised to an acceptable level. Mr Holdcroft had learnt from his experience and the panel was satisfied that he now understood the importance of maintaining appropriate professional boundaries. It accepted his assurance that he would remain mindful of this requirement in the future.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including allegation 5, 6, 7(d), and 8, and / or 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 Josh Holdcroft should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Holdcroft is in breach of the following standards:

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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- 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 Holdcroft 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 Holdcroft fell significantly short of the standards expected of the profession.

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 Holdcroft, 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 Holdcroft, which involved a failure to safeguard the interests of a pupil, the development of an inappropriate and over-familiar relationship with a pupil and inappropriate and over-familiar communication with two pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils given the serious findings of failure to properly report safeguarding issues and breaches of professional boundaries with children." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Holdcroft had demonstrated developed insight into what had gone wrong and the contextual issues that had led to him act as he did. He was minded, if he were to return to teaching, to avoid placing himself in a similar, situation again by seeking work at a school at some geographic distance from his home." 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 Holdcroft were 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 and 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 Holdcroft himself and the panel comment “The panel decided that there was a public interest consideration in retaining Mr Holdcroft in the profession, since no doubt had been cast upon his abilities as an educator and he appeared to have made a range of contributions to the School through the development of various extra-curricular activities to enhance pupils’ experiences.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the level of insight or remorse demonstrated. The panel has said, “Taking account of the mitigating factors identified above, and Mr Holdcroft’s developed insight and remorse, the panel was of the view that the risk of repetition had been minimised to an acceptable level. Mr Holdcroft had learnt from his experience and the panel was satisfied that he now understood the importance of maintaining appropriate professional boundaries. It accepted his assurance that he would remain mindful of this requirement in the future.”

I have also placed considerable weight on the finding of the panel that “Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Holdcroft has made and is able to make to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

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

**Decision maker: Sarah Buxcey**

**Date: 31 March 2025**

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