



Teaching
Regulation
Agency

Mr Karl Smith: Professional conduct panel hearing outcome

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

June 2025

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

Teacher: Mr Karl Smith

Teacher ref number: 1160587

Teacher date of birth: 30 June 1980

TRA reference: 21541

Date of determination: 25 June 2025

Former employer: The Warriner School, Banbury

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 to 25 June 2025 by way of a virtual hearing, to consider the case of Mr Karl Smith.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Ms Aruna Sharma MBE (teacher panellist) and Mrs Kristen Hughes (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Mr Tom Phillips, instructed by Kingsly Napley LLP.

Mr Smith 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 26 September 2024.

It was alleged that Mr Smith was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher at The Warriner School, Banbury:

1. In respect of Pupil B, he:

- a) Set up a messaging system which the school were not aware of and/or had not approved, in order to exchange messages with Pupil B; and/or
- b) Provided Pupil B with his personal mobile phone number and/or personal email address; and/or
- c) Exchanged messages with Pupil B via Whatsapp; and/or
- d) Asked Pupil B to delete the Whatsapp messages exchanged between them; and/or
- e) Sent Pupil B messages on his school email account and/or via Whatsapp, during school holidays and/or in the evenings and/or at weekends.

2. He engaged in inappropriate and/or overly familiar communications with Pupil B via:

- a) The messaging system at School that he set up between him and Pupil B; and/or
- b) His School and/or personal email accounts; and/or
- c) WhatsApp.

3. He did not observe professional boundaries in that he shared personal information about himself with one or more pupils, as outlined in Schedule A.

4. He did not observe professional boundaries in that he:

- a) hugged Pupil B; and/or
- b) hugged Pupil F

5. He engaged in the conduct referred to at paragraphs 1 and/or 2 and/or 4a above when he knew, or ought to have known, that Pupil B was a vulnerable pupil.

6. He made inappropriate comments to and/or about Pupil D in that he said it was good that it was a non-school uniform day as it meant that people could see how beautiful she was, or words to that effect.

7. His conduct at paragraphs 1 and/or 2 and/or 6 above was sexually motivated.

8. His conduct as outlined in paragraph 1d above was dishonest.

[REDACTED]

In his response to the TRA's allegations, Mr Smith admitted all the allegations apart from 1(a), 2(a) and 7, which he disputed. Mr Smith accepted his admitted conduct would amount to unacceptable professional conduct and conduct that could 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 anonymised pupil list – pages 4 to 7

Section 2: Notice of hearing and response – pages 8 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 41

Section 4: Teaching Regulation Agency documents – pages 42 to 500

Section 5: Teacher documents – pages 501 to 504

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

Witnesses

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

- Witness Y – [REDACTED]
- Witness Z – [REDACTED]

No witnesses were called on behalf of Mr Smith.

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 Smith was employed as the Head of Computing at the Warriner School (the “School”) from September 2018. The School is a comprehensive secondary school in North Oxfordshire with approximately 1,600 pupils on role. It is part of the Warriner Multi Academy Trust. Mr Smith’s subject teaching duties included pupils throughout Key Stages 3 to 5 and he was also a form tutor.

On 23 November 2022, Pupil A raised a concern about communications she had seen between Mr Smith and Pupil B, to her own form teacher, who in turn reported the concern to the School’s Designated Safeguarding Lead (“DSL”) the following day. As a result of the disclosures, the DSL informed the School’s Executive Headteacher and the Local Authority Designated Officer. The School began its own investigation and Mr Smith was suspended whilst it was undertaken. Following the disciplinary hearing on 11 January 2023, the School made a referral to the TRA on 21 February 2023, which has resulted in this hearing.

The panel heard oral evidence from Witness Y, who is the Executive Headteacher at the School and CEO of the Trust. Witness Z acted as the investigator for the School’s investigation. As part of her investigation, Witness Z obtained a number of screenshots taken from Pupil B’s phone and emails from the School’s system. She also had statements from Pupil B, Pupil D and interviewed Mr Smith as part of the investigation. The panel also heard evidence from Witness Z, who is a Deputy Headteacher and the DSL at the School.

As set out in the preliminary applications sections, none of the pupils appeared as witnesses at this hearing and their accounts were before the panel in the documentary evidence.

Although Mr Smith was not present at this hearing, the panel had the benefit of a written statement provided by him and his response to the notice of hearing, which set out his position on the various allegations. The panel did not draw any evidential adverse inference from Mr Smith’s failure to give oral evidence at this hearing.

Findings of fact

The findings of fact are as follows:

1. In respect of Pupil B, you:

a) Set up a messaging system which the school were not aware of and/or had not approved, in order to exchange messages with Pupil B; and/or

Before the panel were a number of screenshots apparently taken from a mobile phone, which showed a number of written messages between a user called “*Karl Smith*” which later changed to “*2Karl Tessier-Ashpool*” and “[*Pupil B*]”. The messages were dated from 19 October to 30 October 2022.

Witness Z explained in her evidence that these screenshots were from a phone application called 'Discord'. This was a type of messaging application which was not used or approved by the School. She was also not aware of any use of the application by Mr Smith for educational purposes. Witness Z further stated that the School had various processes in place for the approval of the use of software within the School, and Mr Smith was familiar with those processes.

In the response to the hearing notice, Mr Smith indicated that he denied this sub-allegation. In his statement, Mr Smith stated he refuted the "*allegation that a separate communication system was set up for the sole intent of communicating with [P]upil B*". He further stated that he did use applications such as Discord during the Coronavirus pandemic as a tool to aid his teaching during that disruptive time. He stated that his only intention was to use such applications for educational purposes but did accept that as time went on professional boundaries with their use began to erode, albeit he denied having any contact with Pupil B on that platform as she was not taught by him.

The panel noted the screenshots included a username matching Mr Smith's name and the content of the messages were in keeping with the topics Mr Smith was having in other messaging platforms. Furthermore, there was no evidence before the panel of any wider use of the Discord system with other pupils for any educational purpose. In reviewing the content of the messages themselves, the panel noted that none of the messages attributed between Mr Smith and Pupil B on Discord related to any educational discussions and that the opening message from Mr Smith was "*This you?*" which appeared to show he was seeking Pupil B out on this platform.

Accordingly, on this evidential picture the panel was satisfied it was more likely than not that Mr Smith had set up a Discord chat service with Pupil B in order to contact her and the School had not approved nor was aware of the contact.

Therefore, the panel found this sub-allegation proved in full.

b) Provided Pupil B with your personal mobile phone number and/or personal email address; and/or

In Pupil B's statement to the School's investigation, she stated that:

"At some point I was talking to [Mr Smith] in Computing, and he seemed very sad, he gave me his personal email on a piece of paper and told me not to tell anyone..."

We emailed back and forth for a few weeks, until he gave me his phone number on 30th October in which I added and he messaged me on Whatsapp"

In the Discord screenshots, there was a message dated 30 October 2022 from Mr Smith which read, "[redacted] if its easier BTW."

In the investigatory interview with Mr Smith on 8 December 2022, Mr Smith was noted as saying:

“A regretful decision is that I gave her my personal email address, I genuinely can't remember the content of the conversation, it was general conversation...”

I said if it is easier for you this is my number to talk through WhatsApp. This went on for no more than a couple of days and I then said delete my number.”

In his response to the hearing notice, Mr Smith indicated that he admitted this sub-allegation. In his statement, Mr Smith said:

“I cannot recall the exact events that led to me giving her my personal email address, but I recall it was because I needed to vent about the school policy and I did not want to do so over the school email system.”

The panel accepted Mr Smith's admission to this sub-allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this sub-allegation proved in full.

c) Exchanged messages with Pupil B via Whatsapp; and/or

A printout of messages sent via WhatsApp taken from Pupil B's phone was before the panel.

Mr Smith consistently admitted contacting Pupil B via WhatsApp in his responses in both the School's and TRA's investigations.

The panel accepted Mr Smith's admission to this sub-allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this sub-allegation proved in full.

d) Asked Pupil B to delete the Whatsapp messages exchanged between you; and/or

In Pupil B's statement to the School's investigation, she stated that:

“The messaging goes on until the 1st of November, where at school I go up to him and we talk about how he can get in trouble for it. We message later that day and he tells me to delete everything, which I don't.”

In the investigatory interview, Mr Smith is noted as responding to a question about contact with Pupil B with: *“I asked her to delete my number and messages. It was lack of judgement on my part I should have told you.”* When asked when this happened, Mr Smith replied it was in October.

In his response to the hearing notice, Mr Smith indicated that he admitted this sub-allegation.

The panel accepted Mr Smith's admission to this sub-allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this sub-allegation proved in full.

e) Sent Pupil B messages on your school email account and/or via Whatsapp, during school holidays and/or in the evenings and/or at weekends;

In the messages before the panel, all showed on what dates they were sent and the WhatsApp's and email messages also had timestamps showing exactly what time of day when they were sent.

These date and timestamps show various messages outside of term time and late into the evening, such as past 11pm.

In his response to the hearing notice and statement to the TRA, Mr Smith indicated that he admitted this sub-allegation.

The panel accepted Mr Smith's admission to this sub-allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this sub-allegation proved in full.

2. You engaged in inappropriate and/or overly familiar communications with Pupil B via:

a) The messaging system at School that you set up between you and Pupil B; and/or

b) Your School and/or personal email accounts; and/or

c) WhatsApp

3. You did not observe professional boundaries in that you shared personal information about yourself with one or more pupils, as outlined in Schedule A

[REDACTED]

Before the panel was a range of messages between Mr Smith and Pupil B from the School's email system, WhatsApp and Discord. Some examples of those messages included:

- Mr Smith discussing his holiday plans, including updates whilst he was abroad;

- Discussions about difficulties he was having in school;
- In a discussion about Mr Smith keeping chocolate back for Pupil B, Mr Smith stated, *“You have to earn them... Begging for food and fluttering your eyelashes isn't really earning them”*. Mr Smith goes on to say, *“You are very nice though, so that works in your favour... Maybe im just a sucker for a pretty face.”*
- Mr Smith describing himself to Pupil B as “I am pretty great. I mean, super smart, super talented, dashing good looks lol”.
- Mr Smith responding to Pupil B saying she is ugly with *“You are not. There, I fixed it”*.
- In a message at 23:17, Mr Smith wrote *“Sleep well missy x”*.

A significant feature of the messages touched on difficulties Mr Smith appeared to have with his own mental health and family circumstances. Examples of these included Mr Smith saying to Pupil B:

- *“They're was a time when I was terrified of dying young. Now ... I dunno”*
- *“Fuck me I sound like a teenager now... The hell is wrong with me man... But it's wrong for me to put this on you. I just thought you might be one to listen.”*
- *“Nah I'll just end up stuck in my own head. Nobody needs to be stuck in my head. I'll be fine. Just ... Check up on me? If you can?”*
- *“I'm just pretty damn lonely really. There's more than just that but it's been eating away at me for years.”*

In his response to the hearing notice, Mr Smith indicated that he admitted these allegations, save for allegation 2(a) in which he denied the contact on the separate messaging system (Discord).

The panel accepted Mr Smith's admissions to these allegation as they were unequivocal and consistent with the evidential picture before the panel. Additionally, having found the factual basis for allegation 1(a) proved, the panel was satisfied that these inappropriate and over familiar messages also took place on a separate messaging system (Discord).

Therefore, the panel found this sub-allegation proved in full.

4. You did not observe professional boundaries in that you:

a) hugged Pupil B; and/or

b) hugged Pupil F

In Pupil B's statement to the School's investigation, she stated that:

“[Mr Smith] also gave me a hug in the downstairs computing room when the computing block was being redone, because he was sad, and was having a tough time.”

In the investigatory interview, when asked if there had been any physical contact with Pupil B, Mr Smith said that he did not recall any. Then when told that Pupil B had disclosed that he had hugged her, Mr Smith responded that he might have done, but that he thought it was more that Pupil B hugged him and that he saw her as a ‘little sister’ figure.

In Pupil F’s statement to the TRA, she stated that on an occasion in Year 9 she did not go to her French class as she did not want to and instead went to the computing room. Mr Smith saw her there and said she could go into his office. When in the office, Mr Smith started talking to Pupil F about how he was [REDACTED]. He then started to cry and continued to talk about how he felt his [REDACTED]. Pupil F then described that Mr Smith lent in and hugged her. She felt embarrassed and patted him on the shoulder during the hug.

In his response to the hearing notice, Mr Smith did not give an indication as to whether he admitted or denied this allegation. In his statement to the TRA, in which he indicated he did admit this allegation, Mr Smith said:

“On both occasions where hugs occurred it was due to a near breakdown on my part, an attempt to gain comfort from the pseudo-family members that were my students. Even though I was not in my right mind at the time, it was still wrong and should never had happened.”

In light of this non-disputed evidential picture, the panel was satisfied that it was more likely than not that Mr Smith hugged both Pupil B and Pupil F. Such physical contact in those circumstances was not in proper observation of professional boundaries, which Mr Smith also appeared to accept in his statement.

Therefore, the panel found this allegation proved in full.

5. You engaged in the conduct referred to at paragraphs 1 and/or 2 and/or 4a above when you knew, or ought to have known, that Pupil B was a vulnerable pupil.

Witness Z’s evidence to the panel was that Pupil B was a vulnerable pupil in regard to her [REDACTED] and that this information was flagged on their school systems and Mr Smith would have known this.

In the disciplinary meeting, Mr Smith was asked by the panel if he knew that Pupil B was considered a vulnerable pupil, to which he confirmed he did.

In his response to the hearing notice, Mr Smith indicated that he admitted this allegation.

The panel accepted Mr Smith's admission to this allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this allegation proved in full.

6. You made inappropriate comments to and/or about Pupil D in that you said it was good that it was a non-school uniform day as it meant that people could see how beautiful she was, or words to that effect

In her statement in the School's investigation, Pupil D stated that whilst asking Mr Smith about what lessons she had next, Mr Smith said words to the effect of "*it's good it's non-school uniform-day, now people can see how beautiful you really are.*" Pupil D described that she thought the comment was creepy and more than a normal compliment to come from a teacher.

Pupil F also described in her statement being present when this comment was made to Pupil D.

In the investigatory meeting, Mr Smith was asked about this interaction and said, if he did say it, it would have been a joke.

In the disciplinary meeting, Mr Smith described that comments such as this were made to be purely complimentary and was trying to improve the pupils' sense of self-worth, but that he recognised this was a poor choice of words.

In his response to the hearing notice, Mr Smith indicated that he admitted this allegation.

The panel accepted Mr Smith's admission to this allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this allegation proved.

7. Your conduct at paragraphs 1 and/or 2 and/or 6 above was sexually motivated.

Mr Smith denied this allegation. In his statement to the TRA, he stated:

"I saw her as a little sister, and as such the conversations we had were similar to the sorts of conversations one might have in that situation. There was never any sexual intent behind any of the messages, only a desire to help a young person make a good start in life. One of the messages was related to the sweets that I often dished out to well behaved students, where I told her that she had to "earn" them. This meant that she had to earn them with good behaviour or a laudable contribution to school, which is the reason any of these rewards are dished out."

The panel reviewed the evidential picture before it and considered the relevant evidence which would assist in determining Mr Smith's state of mind and whether the actions were sexually motivated. Key elements of the evidence were:

- Mr Smith was an experienced teacher, having qualified in 2012 and taught continuously since then. From this the panel inferred that Mr Smith would have an established working knowledge of safeguarding procedures and professional boundaries. This was further supported by the evidence of additional training regarding safeguarding and its adaptations during the pandemic period.
- Mr Smith had previously received advice from Witness Y in May 2022 about a concern raised by a female pupil (not a pupil related to these allegations), in which discussions had taken place about professional boundaries, including physical space around pupils. The panel noted this advice from a member of the School's senior leadership team took place shortly before the conduct in this allegation took place. Whilst Witness Y suggested this advice appeared to have been followed, the advice appeared to have little effect on Mr Smith's continued conduct towards pupils.
- Pupil B was known by Mr Smith to be a vulnerable pupil.
- Pupil B was not taught by Mr Smith nor was she in his tutor group and this therefore limited the legitimate need for continued contact from him.
- Mr Smith's actions in regard to his inappropriate conduct was always directed towards female pupils.
- Mr Smith's actions included a number of comments on pupils' attractiveness and other compliments.
- Mr Smith's actions included inducements with sweets and chocolate. Witness Y's evidence was that use of sweets and chocolate was not used by the School as part of any reward system for the pupils.
- Mr Smith's actions had included physical contact with hugs.
- Many messages to Pupil B took place late in the evening and during school holidays.
- Mr Smith took steps to hide and conceal his contact with Pupil B, by asking her to delete messages and not reporting himself, as he knew his conduct was wrong.
- Mr Smith's conduct was not a one-off incident, but a sustained course of action over time which was escalating.

The panel considered that Mr Smith's initial explanation regarding the attractiveness comment to Pupil D, namely that it was a 'joke', was not a credible explanation. There was no obvious joke to be had in those circumstances. Furthermore, the panel noted that

Mr Smith's justification for his actions on comments towards pupils' appearance had evolved on later occasions in which he said such comments were made to support the pupils' sense of self-worth and esteem. Again, the panel did not find this a credible explanation. It would have been plainly obvious to any teacher that such comments should not feature in a professional's repertoire for trying to build the self-confidence of pupils. There would have been a number of alternative approaches open to a teacher for this which did not require commenting on pupils' appearance. This is something Mr Smith appeared to recognise himself, to some degree, in the investigatory meeting when he said:

"Comments regarding people's appearance is how I talk to people and you shouldn't read into this. Hearing the words now I can appreciate how the conversations could be taken."

The panel noted that none of the above evidence included actions which on their own could be said to be inherently or explicitly sexual in their nature. However, the panel could not ignore the totality of the evidential picture before it. Mr Smith's actions had many of the hallmarks of someone in the early stages of pursuing inappropriate sexual relationships with pupils. In the absence of any credible alternative explanation from Mr Smith or being available from the evidence itself for these actions, the panel was satisfied that it was more likely than not that Mr Smith's conduct was sexually motivated.

The panel therefore found this allegation proved.

8. Your conduct as outlined in paragraph 1d above was dishonest.

Mr Smith admitted this allegation in the response to the hearing notice and in his statement to the TRA.

The evidential picture showed that Mr Smith knew his contact with Pupil B was wrong and his actions were an attempt to conceal the wrongdoing, as he knew the implications should the truth be revealed. The panel was satisfied that an 'ordinary decent person' would consider a person undertaking such acts as being dishonest in their actions.

The panel noted that although not represented at this hearing, Mr Smith did have the benefit of professional advice from his union in preparing his statement. The panel was therefore able to infer that Mr Smith's admission to dishonesty would be on the basis set out in the forensic test for dishonesty from the leading authority of *Ivey v Genting Casinos*. The panel accepted Mr Smith's admission to this allegation as it was unequivocal and consistent with the evidential picture before the panel.

Therefore, the panel found this allegation proved.

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

Having found all 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 Smith, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Smith 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 Mr Smith’s conduct was not minor in nature, or a mere temporary lapse. It was a sustained course of action. These were not insignificant breaches of the Standards. The panel recognised the inherent seriousness of findings of dishonesty and sexual misconduct being made against a teacher.

The panel also considered whether Mr Smith’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.

In balancing these factors, the panel was satisfied that the conduct of Mr Smith amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In relation to whether Mr Smith’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 Smith'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 Smith was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

The panel however considered that Mr Smith's conduct could potentially damage the public's perception of a teacher. Keeping professional boundaries between teachers and pupils is a fundamental aspect of any teacher's practice. The public places significant trust in the profession to safeguard pupils' well-being and not exploit the teacher pupil relationship for their own interests. Without that trust, public confidence would be quickly eroded in the profession.

For these reasons, the panel found that Mr Smith'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
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships with children.

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

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

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;
- misconduct seriously affecting the... safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. involving actions that were sexually motivated or ... and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated... or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
 - encouraging others to break rules;
 - lying to prevent the identification of wrongdoing;

The panel took account of paragraph 41 of The Advice and noted that some of Mr Smith's actions related to online conduct. The panel however considered that this did not diminish the seriousness of Mr Smith's conduct.

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 took account of paragraph 43 of The Advice but considered that there was no evidence of these mitigating factors before them. The panel was satisfied that Mr Smith's behaviour was deliberate and he was not under duress. Having heard evidence from two members of the School's senior leadership, there was no evidence from them of Mr Smith making a significant contribution to the education sector or demonstrating exceptionally high standards. Furthermore, Mr Smith did not place any evidence or testimonials before the panel which spoke to his contribution to the profession.

The panel noted that Mr Smith had no previous regulatory findings against him and that although not present at this hearing, Mr Smith had, to some degree, engaged in the TRA's investigation and preparations for this hearing.

In Mr Smith's statement to the TRA he stated:

"Even though I was not in my right mind at the time, it was still wrong and should never have happened. I deeply regret my part in all of this, not just because it has destroyed me mentally, but because of the impact that my actions have had on the young people affected."

"As stated above I am truly sorry for my conduct, which was professionally unacceptable."

The panel considered that on a first blush, Mr Smith had offered a level of apology, remorse and recognition of his misconduct. However, on a closer examination of the available evidence, the panel was concerned that Mr Smith's insight was significantly lacking. Mr Smith had offered no meaningful reflection on how he might put effective strategies in place to ensure such conduct is not repeated. Mr Smith placed some of the blame for his conduct on the pandemic and the lack of support available from the School, but there was no evidence that he took up support when it was offered. Mr Smith still sought to justify his use of confectionary with Pupil B and the use of unapproved software to communicate with pupils, even though the safeguarding risks of doing so should have been readily apparent to him. Mr Smith appeared to minimise some of his conduct and described the motivation of his conduct as seeking to support pupils and give them advice in their lives. The reality of the evidence actually showed much of Mr Smith's interactions were him unburdening his mental health issues onto the pupils, some of them vulnerable themselves.

On the basis of this concern regarding a lack of developed insight, the panel concluded that a high risk of repetition of similar misconduct was a significant feature of this case.

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 Smith 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 Smith. The unacceptably high risk of repetition was a significant factor in forming the view that restrictive regulatory action was necessary. 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 case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel saw no reason to depart from The Advice in this case and therefore the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Smith 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 finds that the conduct of Mr Smith fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of inappropriate relationships with children, conduct found to be sexually motivated.

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 Smith, 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, “There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate relationships 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, “The panel considered that on a first blush, Mr Smith had offered a level of apology, remorse and recognition of his misconduct. However, on a closer examination of the available evidence, the panel was concerned that Mr Smith’s insight was significantly lacking. Mr Smith had offered no meaningful reflection on how he might put effective strategies in place to ensure such conduct is not repeated”.

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have 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 however considered that Mr Smith’s conduct could potentially damage the public’s perception of a teacher. Keeping professional boundaries between teachers and pupils is a fundamental aspect of any teacher’s practice. The public places significant trust in the profession to safeguard pupils’ well-being and not exploit the teacher pupil relationship for their own interests. Without that trust, public confidence would be quickly eroded in the profession.” I am particularly mindful of the finding of sexual motivated behaviour in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct 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 Smith and the panel comment “Having heard evidence from two members of the School’s senior leadership, there was no evidence from them of Mr Smith making a significant contribution to the education sector or demonstrating exceptionally high standards. Furthermore, Mr Smith did not place any evidence or testimonials before the panel which spoke to his contribution to the profession.” A prohibition order would prevent Mr Smith from teaching.

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of full insight. The panel has said, "On the basis of this concern regarding a lack of developed insight, the panel concluded that a high risk of repetition of similar misconduct was a significant feature of this case."

I have also placed considerable weight on the finding that "The panel considered Mr Smith's conduct was not minor in nature, or a mere temporary lapse. It was a sustained course of action. These were not insignificant breaches of the Standards. The panel recognised the inherent seriousness of findings of dishonesty and sexual misconduct being made against a teacher."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Smith has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel saw no reason to depart from The Advice in this case and therefore the findings indicated a situation in which a review period would not be appropriate."

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

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

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

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

Mr Smith 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 horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 30 June 2025

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