



Teaching
Regulation
Agency

Kieran Harker: Professional conduct panel outcome

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

July 2025

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

Teacher: Mr Kieran Harker

Teacher ref number: 2037294

Teacher date of birth: 1 August 1995

TRA reference: 22068

Date of determination: 10 July 2025

Former employer: Newmarket Academy, Newmarket

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 to 10 July 2025 by way of a virtual hearing, to consider the case of Kieran Harker.

The panel members were Mr Suhel Ahmed (teacher panellist – in the chair), Ms Christine Cunniffe (teacher panellist) and Mrs Pamela Thompson (lay panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP Solicitors.

The presenting officer for the TRA was Mr Silas Lee of Mountford Chambers instructed by Kingsley Napley LLP solicitors.

Mr Kieran Harker 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 25 March 2025.

It was alleged that Mr Kieran Harker was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a Teacher at Newmarket Academy Mr Harker:

1. Between approximately September 2021 and November 2022, he did not maintain appropriate boundaries with pupils in that on one or more occasions he:

- a) Touched and/or rubbed the backs of pupils through the hole in their chair including those pupils referred to in Schedule A;
- b) Touched pupil(s) on the thigh including those pupils referred to in Schedule B;
- c) Ran your hands up and down Pupil B's back;
- d) Grabbed Pupil E around their waist;
- e) Hugged Pupil E and/or Pupil F.

2. Between approximately September 2021 and November 2022, he engaged in inappropriate communication with pupils in that he:

- a) Stated in an email to Pupil C "I saw you across the playground and thought how lovely you looked! Had to tell you immediately";
- b) Stated in an email to Pupil A "just don't get me into trouble either";
- c) Stated the following in emails to Pupil C:
 - i) "you are still my favourite";
 - ii) "it genuinely saddens me that this is the last time I can send you a good luck email";
 - iii) "I'm actually sad I haven't got a reason to email next week";
 - iv) "Kieran Harker will miss you".
- d) Suggested Pupil E take photos in a bikini on holiday, and then asked to see these photos upon her return;
- e) Wrote a message in Pupil E's school planner stating "happy birthday, love you, from Mr Harker" or words to that effect;

f) Stated to Pupil A “you won’t struggle to get a boyfriend”, or words to that effect.

Schedule A

- i. Pupil D
- ii. Pupil E
- iii. Pupil F
- iv. Pupil I

Schedule B

- i. Pupil D
- ii. Pupil E
- iii. Pupil F
- iv. Pupil I

In the absence of the teacher, the allegations are not admitted nor whether the allegations amounted to 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 anonymised pupil list and list of key people – pages 1 to 3

Section 2: Notice of hearing – pages 4 to 17

Section 3: Teaching Regulation Agency witness statements – pages 18 to 38

Section 4: Teaching Regulation Agency documents – pages 39 to 494

In addition, the panel agreed to accept the following:

The Service Bundle which retains its internal numbering - pages 1 to 19

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

In 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] at Unity Schools Partnership and investigating officer
- Witness B - [REDACTED] of Newmarket Academy (“the School”)
- Pupil B - pupil at the School
- Pupil E - pupil at the School
- Pupil F - pupil at the School

Mr Harker did not attend and no witnesses gave evidence on his behalf.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Kieran Harker had been employed at Newmarket Academy (“the School”) since 1 September 2021 as an ICT and Computer Science teacher. On 4 and 7 November 2022 concerns were raised about Mr Harker to the School regarding his behaviours and comments towards female students. Mr Harker was suspended on 14 November 2022 and the School carried out an investigation. Mr Harker was later dismissed from his role in 2023.

Findings of fact

The findings of fact are as follows:

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher at Newmarket Academy you:

1. Between approximately September 2021 and November 2022, you did not maintain appropriate boundaries with pupils in that on one or more occasions you:

a) Touched and/or rubbed the backs of pupils including those pupils referred to in Schedule A;

Schedule A

i. Pupil D

ii. Pupil E

iii. Pupil F

iv. Pupil I

Mr Harker taught at the School from September 2021 until his suspension in November 2022. The panel accepted that the allegations occurred within this period.

The panel heard evidence from Pupil E and Pupil F in relation to this allegation. Pupil E's witness statement included the following:

"During [REDACTED], Kieran Harker became very touchy with me. He would often touch my back through the hole in the school chair. I used to sit right behind him in the classroom. I would be facing the computer, doing my work, and he would walk up behind me and put his hand through the back of the chair to stroke my back."

"I do not know why he did this. I was not upset, so he was not doing it to comfort me."

Pupil E reiterated this account during her oral evidence. She also stated that she asked Mr Harker to stop, which he did at the time, but this did not prevent him from touching Pupil E on further occasions.

Pupil F's witness statement included the following:

"During [REDACTED] lessons, Kieran Harker would often ask me if I was ok and would rub my back. At the start of [REDACTED] it did not happen very often, but throughout [REDACTED] it became very regular. This happened nearly every time I had an [REDACTED] lesson with him."

"I do not know why he would do this. I was not upset or emotional, so it was not because he was comforting me."

Pupil D and Pupil I provided written accounts. As neither Pupil D nor Pupil I gave oral evidence, the panel considered their written accounts as hearsay evidence.

The panel considered whether Pupil D's and Pupil I's written account was relevant to this case. The panel was satisfied that the respective documents were relevant to the case because Pupil D and Pupil I were pupils listed in Schedule A and their written account went directly to the allegations against Mr Harker. The panel also considered the

importance of the evidence and whether it constituted a critical part of the evidence against the teacher, and the panel found it did.

The panel was aware of the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations were found proven.

With regard to the overall question of fairness the panel noted that the evidence was part of the bundle which Mr Harker had received and it was open to him to make comments or refute its inclusion. The panel therefore considered that it would be fair to admit the evidence.

By reason of the above, the panel has decided to admit the written statements of Pupil D and Pupil I.

The panel was aware that where hearsay evidence is admitted it should treat that evidence with caution, giving it close scrutiny to determine its reliability and compatibility with factors presented in other evidence.

Pupil D's written account was undated, but the panel understood from Witness A that it was provided in November 2022 as part of the disciplinary investigation. The account stated:

"...I sat outside Mr Harker classroom. Mr Harker came out and sat next to me. He asked me what happened and started to rub my back and my thigh. I felt uncomfortable. It has happened more than once."

Pupil I's written account, dated 21 November 2022, stated that while she was in Year 9, around late September, Mr Harker:

"put his hand on my lower back in very unnessicery [sic] situations, like just walking past me..."

During the School's investigation, Mr Harker was asked:

"There have been allegations that you have touched students' thighs and lower backs."

His response was:

"I have never touched a student's thigh or lower back. But it is a natural reaction when someone is upset for me to touch the top of their back to console them, but I have never touched the lower back."

In a subsequent set of questions, Mr Harker demonstrated where he would place his hand on pupils' backs. This was described as:

“KH places hand on the middle of the higher back – close to the centre of the shoulder blades location.”

The panel understood from Mr Harker’s responses that he admitted to touching pupils’ backs when they were upset.

The panel considered that there would need to be exceptional circumstances for a teacher to touch a pupil. Best practice would have required a teacher to ask the pupil whether they wanted physical contact for support or comfort. There was no evidence that Mr Harker sought consent before touching any of the pupils listed in Schedule A.

The panel found that Pupil E and Pupil F provided detailed accounts of how, when, and where Mr Harker touched their backs. Their oral evidence was consistent with their witness statements and other written evidence.

The panel, had regard to the written evidence from Pupil D and Pupil I being hearsay evidence and therefore attributed less weight to it than the oral evidence. The panel placed sufficient weight on the evidence to find that Mr Harker touched Pupil I’s back and rubbed Pupil D’s back.

The panel found that Mr Harker did not maintain appropriate boundaries with Pupil D, Pupil E, Pupil F, and Pupil I between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

b) Touched pupil(s) on the thigh including those pupils referred to in Schedule B;

Schedule B

i. Pupil D

ii. Pupil E

iii. Pupil F

iv. Pupil I

The panel heard evidence from Pupil E and Pupil F in relation to this allegation. Pupil E’s witness statement included the following:

“One time I went to his classroom after school, we were talking about why I had panicked that day and he sat next to me on the table and put his hand on my thigh.”

Pupil E reiterated this account during her oral evidence. She also stated that Mr Harker’s hand was placed on her upper thigh, above the middle of her thigh.

Pupil F's witness statement included the following:

"My statement confirms that Kieran Harker had also touched my leg during lesson time. I do not remember details about this. I only remember him touching my back."

In a written statement taken around November 2022, Pupil F stated:

"He asks me if I'm okay and rubs my back and my lower back and has also touched my leg before, during lesson time. It made me feel uncomfortable."

As Pupil F was unable to recall the alleged incident of Mr Harker touching her leg, the panel disregarded the allegation in respect of Pupil F.

Pupil D and Pupil I provided written accounts. The panel considered the written accounts of Pupil D and Pupil I as hearsay evidence, as set out above.

Pupil D's written evidence, as previously outlined, included comments regarding Mr Harker touching her thigh.

Pupil I's written evidence stated:

"... still feeling extremely upset I left the class room and sat outside holding back tears, moments later Mr Harker followed me out to make sure I was okay. I told him what had happened and instead of comforting me how I thought someone would (hand on the back or shoulder) he put his hand on the outside of my upper thigh..."

The allegation of Mr Harker touching pupils' thighs was put to him during the disciplinary investigation. As set out above, he stated that he had never touched a student's thigh.

It was put to him again:

"So to confirm, you have touched the tops of students backs but you can't explain the allegation of touching student's thighs?"

Mr Harker responded *"No, I can't. Sorry."*

The panel found the evidence from Pupil E to be compelling and found that Mr Harker did touch Pupil E's thigh.

The panel had regard to the written evidence from Pupil D and Pupil I being hearsay and therefore attributed less weight to it than to the oral evidence. Nevertheless, the panel placed sufficient weight on the written evidence to find that Mr Harker touched the thighs of both Pupil I and Pupil D.

The panel found that Mr Harker did not maintain appropriate boundaries with Pupil D, Pupil E, and Pupil I between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

c) Ran your hands down Pupil B's back;

Pupil B's witness statement included the following:

"There was one incident during [REDACTED] where there was a spider under my desk at the start of the lesson. I am scared of spiders, so me and my friend, Pupil L, were looking at the spider and talking about it."

"Kieran Harker approached me from behind and then ran his fingers on both his hands down my back, in a tickling motion, pretending to be a spider on my back. He only did this once."

"This did not make me feel uncomfortable at the time. It seemed as though he was simply joking around."

Pupil B remained consistent in her oral evidence regarding the incident and the manner in which Mr Harker touched her back. In her oral evidence, Pupil B stated that Mr Harker used both hands in the middle of her back at the top and ran them down to the middle of her back.

During the investigation, Witness A put the following to Mr Harker:

Witness A: *"It is alleged that you have run your fingers up and down a female students back pretending to be a spider. Can you tell me more about this event?"*

Mr Harker: *"I have never done that, no."*

Witness A: *"It is alleged that a spider was under the students desk at the time."*

Mr Harker: *"I don't recall that, no, sorry."*

The panel found Pupil B's description of the event compelling and considered that the incident more than likely occurred.

The panel found that Mr Harker did not maintain appropriate boundaries with Pupil B by running his hands down her back between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

d) Grabbed Pupil E around their waist;

Pupil E, in her witness statement, stated:

“Another time I visited him after school, Kieran Harker grabbed me by the waist. I was walking into his classroom and my friend was waiting outside for me. As I was entering his classroom, he grabbed my waist and moved me to the side so that he could shut the door behind me. It was just me and Kieran Harker in the classroom at this point. I did not say anything to him about grabbing my waist as I just brushed it off.”

In her oral evidence, Pupil E remained consistent with her witness statement. She stated that she and a friend had walked together to Mr Harker’s classroom, as she had a meeting with him in his capacity as a mental health first aider. Pupil E explained that she had asked her friend to accompany her to observe whether Mr Harker’s behaviour towards her was appropriate. As she entered the room, Pupil E was clear that Mr Harker placed both of his hands on her waist to move her aside so that he could close the door.

The panel understood that this allegation was not put to Mr Harker during the School’s investigation process.

The panel concluded that Pupil E was clear and compelling in her description of the event and its circumstances. The panel considered that the incident more than likely occurred.

The panel found that Mr Harker did not maintain appropriate boundaries with Pupil E by grabbing her waist between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

e) Hugged Pupil E and/or Pupil F.

Pupil E, in her witness statement, stated: *“After about a month of knowing him, Kieran Harker gave me a hug. He put his arm around my shoulder and hugged me from the side. This was after school in his class room.”*

In her oral evidence, Pupil E confirmed that the hug lasted for a couple of seconds and described it as a side hug, with Mr Harker’s arm around her shoulder.

Pupil F’s witness statement included the following:

“Sometimes when I would enter the classroom, Kieran Harker would approach me as if he was going to give me a hug. When I walked into the classroom he would hold one arm out to hug me, but if I looked upset he would put two arms out to hug me.”

In her oral evidence, Pupil F stated that Mr Harker hugged her in the classroom and that he offered a hug each time she entered. She described the hug as a side hug.

The panel understood that this allegation was not put to Mr Harker during the School’s investigation process.

The panel concluded that Pupil E and Pupil F were clear in their descriptions of the hugs and the circumstances in which they occurred. The panel considered that the hugs more than likely occurred.

The panel found that Mr Harker did not maintain appropriate boundaries with Pupil E and Pupil F by hugging them between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

2. Between approximately September 2021 and November 2022, you engaged in inappropriate communication with pupils in that you:

a) Stated in an email to Pupil C “I saw you across the playground and thought how lovely you looked! Had to tell you immediately”

The panel noted that on 26 May 2022, at 17:07, Mr Harker was recorded as the sender of an email to Pupil C which stated:

“I saw you across the playground and thought how lovely you looked! Had to tell you immediately :)

I’m alright I guess, you??”

The panel considered whether the email exchange between Mr Harker and Pupil C, sent on 26 May 2022 with the subject line “Hair,” was relevant to this case. The panel was satisfied that the document was relevant, as it provided evidence of communications from Mr Harker and related directly to the allegations against him.

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations were found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence is key to the allegation in this case. In addition, the panel was mindful that the emails in question were from Mr Harker.

With regard to the overall question of fairness the panel noted that the evidence was part of the bundle which Mr Harker had received and it was open to him to comment or refute its inclusion. The panel therefore considered that it would be fair to admit the evidence.

During the investigation hearing, Witness A queried the comment. Mr Harker responded:

“I know she’d changed her hair and she was worried about the style so I may have sent the email to let her know not to worry.”

During the disciplinary hearing, Mr Harker made a statement regarding the relevant pupils. In relation to Pupil C, referred to in the document as Child C, he stated:

“Having looked at appendix 9, this was when the student had a new hairstyle and was nervous at the time, so I sent that comment to try and lift her spirits. In reflection I understand that could be viewed as breaking teacher-student boundaries and I should have done better.”

The panel understood that this email was later shared among pupils and potentially with other third parties via Snapchat.

The panel had regard to the evidence being hearsay. In the absence of other evidence, the panel placed decisive weight on the material and found that Mr Harker sent the email to Pupil C.

The panel considered Mr Harker’s reflection on the breach of teacher-student boundaries to be significant. The panel agreed with this assessment and found that Mr Harker sent the email, which constituted an inappropriate communication with Pupil C on 26 May 2022.

Therefore, the panel found this allegation proven.

b) Stated in an email to Pupil A “just don’t get me into trouble either”

The panel noted that on 24 January 2022, Mr Harker was recorded as the sender of an email to Pupil A which stated:

“That is more than ok, it is always a pleasure to see you!

Don’t mention it, just don’t get me in trouble either!!

have a lovely evening”

The email included Mr Harker’s email signature. The time the email was sent and the subject line were unknown due to the manner in which the email was presented.

The panel considered whether the email exchange between Mr Harker and Pupil A, sent on 24 January 2022, was relevant to this case. The panel was satisfied that the document was relevant, as it provided evidence of communications from Mr Harker and related directly to the allegations against him.

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations were found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence is key to the allegation in this case. In addition, the panel was mindful that the email in question was from Mr Harker.

With regard to the overall question of fairness the panel noted that the evidence was part of the bundle which Mr Harker had received and it was open to him to comment or refute its inclusion. The panel therefore considered that it would be fair to admit the evidence.

During the disciplinary investigation, Mr Harker was asked:

“The bottom of the email says, ‘don’t get me in trouble’, what does that mean?”

Mr Harker responded:

“It’s hard to remember with it being so long ago. It was something to do with having pupils in your room. Pupils were allowed on phones in my room. It could be about that.”

The panel had regard to the evidence being hearsay. In the absence of other evidence, the panel placed decisive weight on the material and found that Mr Harker sent the email to Pupil A.

The panel found that Mr Harker’s correspondence with Pupil A did not respect the teacher-student boundary. It was not appropriate for a teacher to say, “just do not get me in trouble either.” By doing so, it implied a shared secret between teacher and pupil. It also suggested that the teacher may have acted improperly, which could reverse the appropriate power dynamic between teacher and pupil.

The panel found that Mr Harker sent the email, which constituted an inappropriate communication with Pupil A on 24 January 2022.

Therefore, the panel found this allegation proven.

c) Stated the following in emails to Pupil C:

i) “you are still my favourite”;

iii) “I’m actually sad I haven’t got a reason to email next week”;

iv) “Kieran Harker will miss you”.

In relation to allegation 2(c)(i), the panel noted that on 31 January 2022, at 4:39 pm, Mr Harker was recorded as the sender of an email to Pupil C which stated, amongst other things:

“I’m sorry if I was mean, of course you are still my favourite. I reckon I was just sad as I hadn’t seen you all!”

In relation to allegation 2(c)(iii), the panel noted that on 29 January 2022, at 10:41 am, Mr Harker was recorded as the sender of an email to Pupil C which stated, amongst other things:

“That’s ok! I’m actually sad I haven’t got a reason to email next week :(”

The emails related to allegations 2(c)(i) and 2(c)(iii) formed part of the same chain, which totalled 63 pages in length. The subject of the chain was “The last good luck!”

In relation to allegation 2(c)(iv), the panel noted that on 7 February 2022, at 8:09 am, Mr Harker was recorded as the sender of an email to Pupil C. The subject line was “Have a great time!” The email included the following sign-off:

“Kind regards,

Kieran Harker will miss you”

The panel considered whether the email exchange between Mr Harker and Pupil C, comprising the 63-page chain with the subject line “The last good luck!” and the email dated 7 February 2022 with the subject line “Have a great time!”, was relevant to this case. The panel was satisfied that the documents were relevant, as they provided evidence of communications from Mr Harker and related directly to the allegations against him.

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations were found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence is key to the allegation in this case. In addition, the panel was mindful that the emails in question were from Mr Harker.

With regard to the overall question of fairness the panel noted that the evidence has been a part of the bundle to which Mr Harker had received and it was open to him to make comments or refute its inclusion. The panel therefore considered that it would be fair to admit the evidence.

The panel, had regard to the evidence being hearsay evidence. In the absence of other evidence the panel placed decisive weight on the evidence, finding that that Mr Harker sent the emails to Pupil C.

Regarding allegation 2(c)(i), the panel noted that Mr Harker’s description of Pupil C as his “favourite” occurred on multiple occasions and appeared to be a recurring theme in their exchanges. The panel considered that referring to a pupil as a favourite blurred the professional boundaries between teacher and student. Teachers should not have

favourites, nor should they communicate such sentiments to pupils. The panel also considered the tone of the emails to be overly casual.

Regarding allegation 2(c)(iii), the panel noted that the email was sent on a Saturday. The panel considered the timing of the email to be inappropriate and concluded that it was not appropriate for a teacher to email a pupil during the weekend without an exceptional reason. This further illustrated the blurring of boundaries in the relationship between Mr Harker and Pupil C.

Regarding allegation 2(c)(iv), the panel understood that the email was sent as Pupil C was due to attend [REDACTED]. Within the chain, there was reference to a minibus and Mr Harker being unable to see the pupils due to a meeting. The panel concluded that it was inappropriate for a teacher to send an email to a pupil stating that they would be missed while on [REDACTED] or any similar occasion.

The panel found that Mr Harker's correspondence with Pupil C did not respect the teacher-student boundary.

The panel found that Mr Harker sent the emails referenced in allegations 2(c)(i), 2(c)(iii), and 2(c)(iv), and that he engaged in inappropriate communication with Pupil C.

Therefore, the panel has found this allegation proven.

d) Suggested Pupil E take photos in a bikini on holiday, and then asked to see these photos upon her return;

Pupil E, in her witness statement, stated:

"Around [REDACTED], I was going on holiday and I was anxious about how I looked. I was emailing Kieran Harker about it and then I spoke to him about it the next day. He told me to have fun and take photos of myself in a bikini to make me feel better. I thought it was an odd comment, but as we were on the topic of me being self-conscious, I thought he maybe did not mean it in a weird way."

"When I returned from holiday, Kieran Harker asked if I had taken any photos in a bikini. I said no, and Kieran Harker said that he had been looking forward to seeing the photos."

In her oral evidence, Pupil E remained consistent with her witness statement. She also stated that she believed Mr Harker wanted the pictures for himself and that she felt "weirded out" by the request.

During the investigation meeting, the following exchange occurred between Witness A and Mr Harker:

Witness A: *"Can you tell me if you have ever told a student to take pictures of them in their bikini?"*

Mr Harker: *"No, I have never asked a student to do that before."*

Witness A: *"It has been alleged by a student that you were looking forward to seeing these pictures when they returned from holiday. Do you recall this event and can you tell me what happened?"*

Mr Harker: *"I have never said that before, no."*

During the disciplinary hearing, Mr Harker made a statement regarding the relevant pupils. In relation to Pupil E, referred to in the document as Child E, he stated:

"I never asked for pictures in a bikini, I asked to see photos from their holiday as they were very excited about going."

Later in the same hearing he added:

"I never asked to see pictures of her in her bikini, I asked to see photos from her holiday."

The panel held that there was no evidence or motive for Pupil E to fabricate this allegation. The panel therefore concluded that it was more likely than not that Mr Harker suggested that Pupil E take photos in a bikini and later asked to see the photos upon her return. The panel considered that it would be wholly inappropriate for a teacher to ask to see pictures of a pupil in a bikini, and even to ask to see a pupil's photos from a family holiday more generally.

The panel found that Mr Harker engaged in inappropriate communication with Pupil E between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

e) Wrote a message in Pupil E's school planner stating "happy birthday, love you, from Mr Harker" or words to that effect;

The panel heard that Mr Harker was Pupil E's form tutor.

Pupil E, in her witness statement, stated:

"Kieran Harker used to write notes in my school planner. His messages would usually be telling me to have a good day. On my birthday, he wrote a message saying "happy birthday, love you, from Mr Harker" on a piece of paper. I no longer have these notes as I do not know where my planner is."

In her oral evidence, Pupil E stated that the school planner included space to record homework and that, at the end of the week, a pupil's parent would sign the planner.

The panel had not seen a copy of the message.

The panel understood that this allegation was not put to Mr Harker during the School's investigation process.

Pupil E had been consistent in her evidence, and the panel therefore concluded that the comment from Mr Harker more than likely occurred.

The panel concluded that it would be inappropriate for a teacher to write "love you" to a pupil. While it would be reasonable for a teacher to say or write "happy birthday" to a pupil, the inclusion of "love you" blurred professional boundaries and represented a questionable use of language in a teacher-student context.

The panel found that Mr Harker engaged in inappropriate communication with Pupil E between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

f) Stated to Pupil A "you won't struggle to get a boyfriend", or words to that effect.

Pupil A provided a written account. As Pupil A did not give oral evidence, the panel considered the written account as hearsay evidence.

The panel considered whether Pupil A's written account was relevant to this case. The panel was satisfied that the document was relevant, as Pupil A was identified as the individual to whom Mr Harker allegedly made the comment. The account related directly to the allegations against Mr Harker.

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations were found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence is of key witness to a central allegation in this case.

With regard to the overall question of fairness the panel noted that the evidence was part of the bundle which Mr Harker had received and it was open to him to make comments or refute its inclusion. The panel therefore considered that it would be fair to admit the evidence.

By reason of the above, the panel decided to admit the written statement of Pupil A.

The panel was aware that where hearsay evidence was admitted, it should be treated with caution and subjected to close scrutiny to determine its reliability and compatibility with other evidence presented.

Pupil A's written statement was made to Witness B on 21 November 2022. The statement included the following:

"...passing comments that he has said before e.g. "won't struggle to get a boyfriend".

The panel heard from Witness A that Pupil A was the first pupil at the School to come forward with a first-hand allegation or complaint against Mr Harker. Witness B, in her evidence, stated that during her interactions with Pupil A on hearing the complaint, Pupil A appeared very calm and sensible.

The panel understood that this allegation was not put to Mr Harker during the School's investigation process.

The panel understood from the evidence that Pupil A had been consistent in both her initial oral complaint and her written statement.

The panel had not received any reasons or evidence to question Pupil A's account.

The panel, had regard to the evidence being hearsay evidence. In the absence of other evidence the panel placed decisive weight on the evidence, finding that it is more likely than not that Mr Harker said to Pupil A that "you won't struggle to get a boyfriend".

The panel determined that making such a comment was potentially flattering to a pupil and concerned the pupil's appearance. The panel concluded that it was inappropriate and could not be considered a comment that would be appropriate for a teacher to make to a pupil.

The panel found that Mr Harker engaged in inappropriate communication with Pupil A between approximately September 2021 and November 2022.

Therefore, on the balance of probabilities, the panel found this allegation proven.

The panel found the following particulars of the allegation against you not proved, for these reasons:

2. Between approximately September 2021 and November 2022, you engaged in inappropriate communication with pupils in that you:

c) Stated the following in emails to Pupil C:

ii) "it genuinely saddens me that this is the last time I can send you a good luck email"

The panel had previously admitted the chain of emails in which this comment appeared, as part of its hearsay considerations.

The panel noted that on [REDACTED], at 4:22 pm, Mr Harker was recorded as the sender of an email to Pupil C which stated:

“It genuinely saddens me that this is the last time I can send you a good luck email”

The panel observed that the email included Mr Harker’s signature and, on balance, concluded that the email was sent by Mr Harker. The panel also reviewed the investigation report, which referenced Mr Harker’s email to Pupil C. However, this specific allegation and email were not put to Mr Harker during the School’s disciplinary investigation or hearing.

The panel was satisfied that Mr Harker sent this comment in an email to Pupil C within the timeframe of the allegation. The panel then considered whether the comment was inappropriate. It concluded that, in and of itself, it would not be inappropriate for a teacher to express sadness at having a final opportunity to wish a pupil good luck.

Therefore, on this basis, the panel found this allegation 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.

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 Harker, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Harker 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
 - showing tolerance of and respect for the rights of others

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Harker, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education 2022 (“KCSIE”).

The panel considered that Mr Harker was in breach of the following provisions:

“12. The Teachers’ Standards 2012 state that teachers (which includes headteachers) should safeguard children’s wellbeing and maintain public trust in the teaching profession as part of their professional duties.”

“68. All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. This will also help if/when responding to any complaints about the way a case has been handled by the school or college. Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records should include:

- *a clear and comprehensive summary of the concern*
- *details of how the concern was followed up and resolved, and*
- *a note of any action taken, decisions reached and the outcome.”*

The panel also considered whether Mr Harker’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.

For these reasons, the panel was satisfied that the conduct of Mr Harker amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Harker was guilty of unacceptable professional conduct with respect to allegations 1(a), (b), (c), (d), (e), 2(a), (b), (c)(i), (c)(iii), (c)(iv), (d), (e) and (f).

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

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

For these reasons, the panel found that Mr Harker's actions constituted conduct that may bring the profession into disrepute with respect to allegations 1(a), (b), (c), (d), (e), 2(a), (b), (c)(i), (c)(iii), (c)(iv), (d), (e) and (f).

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 a 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.

In the light of the panel's findings against Mr Harker, as stated above, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Harker has been found to have touched pupils' backs, thighs, requested photos

of Pupil E in a bikini and sent extensive communications to at least one pupil, including on a weekend and late at night.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Harker 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 Harker 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 Harker in the profession.

Whilst there is no doubt cast on Mr Harker's ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Harker in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel noted that a teacher's behaviour that exploited their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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 Harker.

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 education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

- violation of the rights of pupils;
- ... other deliberate behaviour that undermines pupils, the profession, the school or colleagues.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Mr Harker's actions were deliberate, on the whole.

There was no evidence to suggest that Mr Harker was acting under extreme duress, e.g. a physical threat or significant intimidation

Mr Harker did not produce evidence to demonstrate exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector. The panel did not accept that the incident was out of character.

Mr Harker did not attend the hearing. He did not provide any mitigation or good character references or witnesses.

The panel considered the level of insight and remorse that Mr Harker demonstrated. Although the panel did not hear oral evidence from Mr Harker, the School's disciplinary hearing meeting notes, noted the following comment from Mr Harker:

"On reflection I recognise that any form of contact is inappropriate with a student and that I whole-heartedly regret this and would never do it again. I never meant to make the students feel uncomfortable, but they never made that clear and were always the first to come to me and ask for my guidance."

His trade union representative at the School's disciplinary hearing stated Mr Harker was new to teaching, that he took on additional responsibilities of being a mental health first aider, *"without having the tools to deal with the potential fallout from getting too involved with the students."*

The panel considered that Mr Harker had a level of insight at the time of the School's allegations which, in the panel's opinion, reduced the chances of actions being repeated.

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 the publication of adverse findings would unacceptably

compromise the public interest considerations present in this case, despite the severity of the consequences to Mr Harker 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 Harker. The nature of the touching of pupils, the casual level of communications with pupils and the timings of the communications were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

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

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

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

The panel took into account the issue of mitigation. The level of insight was considered by the panel as genuine which, as stated above, limits the risk of the actions being repeated.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period. As such, the panel decided that it would be proportionate for the prohibition order to be recommended with provision for a review period after 2 years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found one of the allegations not proven (allegation 2.c.ii.), and I have therefore put that matter entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Kieran Harker should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mr Harker 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
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Harker 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 Harker fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings of failing to maintain appropriate boundaries with pupils by touching them and engaging in inappropriate communications with pupils.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed:

"In the light of the panel's findings against Mr Harker, as stated above, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given that Mr Harker has been found to have touched pupils' backs, thighs, requested photos of Pupil E in a bikini and sent extensive communications to at least one pupil, including on a weekend and late at night."

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. The panel has noted evidence from the School's disciplinary hearing meeting notes in which Mr Harker commented:

"On reflection I recognise that any form of contact is inappropriate with a student and that I whole-heartedly regret this and would never do it again. I never meant to make the students feel uncomfortable, but they never made that clear and were always the first to come to me and ask for my guidance."

The panel has commented:

"The panel considered that Mr Harker had a level of insight at the time of the School's allegations which, in the panel's opinion, reduced the chances of actions being repeated."

I have therefore given this element some 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 has observed:

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

I am particularly mindful of the findings of touching pupils and engaging in appropriate communications with pupils in this case and the impact that such findings have 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 Harker himself. The panel has commented:

“Mr Harker did not produce evidence to demonstrate exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector. The panel did not accept that the incident was out of character.”

A prohibition order would prevent Mr Harker 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 finding that a prohibition order was both proportionate and appropriate to the serious misconduct found proven. The panel has commented:

“The panel decided that the public interest considerations outweighed the interests of Mr Harker. The nature of the touching of pupils, the casual level of communications with pupils and the timings of the communications were significant factors in forming that opinion.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Harker 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.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2-year review period.

I have considered the panel's comments:

“The panel took into account the issue of mitigation. The level of insight was considered by the panel as genuine which, as stated above, limits the risk of the actions being repeated.”

In this case, I have agreed with the panel and have decided that a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Kieran Harker is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 23 July 2027, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Harker remains prohibited from teaching indefinitely.

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

Mr Kieran Harker 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 'David Oatley', with a large, stylized loop at the end.

Decision maker: David Oatley

Date: 16 July 2025

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