



Teaching  
Regulation  
Agency

# **Mr Stuart Smith: Professional conduct panel outcome**

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

**April 2026**

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

**Teacher:** Mr Stuart Smith  
**Teacher ref number:** 1718799  
**Teacher date of birth:** 19 March 1978  
**TRA reference:** 22668  
**Date of determination:** 17 April 2026  
**Former employer:** Mayville High School, Portsmouth

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 to 17 April 2026 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Stuart Smith.

The panel members were Mrs Christine McLintock (teacher panellist – in the chair), Mr Philip Jolowicz (lay panellist) and Mr Tim Cole (lay panellist).

The legal adviser to the panel was Miss Katie Garcia of Birketts LLP solicitors.

The presenting officer for the TRA was Dr Lucie Danti, Barrister at Farrer’s Building, who was instructed by Capsticks LLP solicitors.

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 proceedings dated 14 January 2026.

It was alleged that Mr Smith was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at Mayville High School ('the School'):

1. He exchanged with Pupil A one or more of the messages as set out in Schedule 1.
2. In or around [REDACTED] when returning from a school trip he:
  - a) Asked and/or allowed Pupil A to put their legs over his legs.
  - b) Covered Pupil A's legs with a blanket and rubbed and/or touched Pupil A's thigh with his hand(s).
3. He took and/or kept photographs of Pupil A.
4. He bought Pupil A jewellery.
5. He said to Pupil A:
  - a) "You can't wear that around me in my class because I thought you were naked" or words to that effect.
  - b) He needed to get the image of Pupil A out of his head as it looked like Pupil A had no clothes on or words to that effect.
  - c) He was not in a good way and/or that he had suicidal thoughts.
6. His conduct as may be found proven at allegations 1 - 5 was sexually motivated.
7. He failed to report the relationship that had developed between him and Pupil A to the Designated Safeguarding Lead.
8. He exchanged personal mobile telephone numbers with one or more pupils.
9. He exchanged with Pupil B one or more of the messages as set out in Schedule 2.

### Schedule 1

1. [Teacher] Well I'm going to keep telling you how amazing you are which will in turn raise your expectations, because I honestly believe you can do absolutely anything. You are going to be amazing, you are [Pupil A] and this is you're your world now

2. [Teacher] Ahhhh [Pupil A] (one S), I don't like it when things end and this feels worse than normal. I have really missed not seeing you today as I've got very used to seeing you all the time. You made the trip for me. Probably wasn't a great idea to work today but I'm home now and in desperate need of a shower. I am sure everyone is pleased to see you I hope you dad is cooking non rice food for you tonight. [emoji of a bowl of rice and emoji of a red cross] Have a great evening and I'm relying on your brother pulling the blanket over you to stop you getting cold in the night x
3. [Teacher] Having proper 'Debbie Downers' tonight about being back, so I made this to cheer me up [Teacher shares link to a Spotify playlist].
4. [Teacher] But most of all I am missing not seeing you all the time. There's no one here for me to annoy [emoji face with one tear] [Pupil A] it's so so strange not being with you and everyone else 24/7. I miss it so much already [Teacher] [Teacher shares picture of two young women] The one of the left that is... [Pupil A] That is the worst photo of me ever to exist [emoji crying face] [Teacher] Behave yourself, this photo is great and it makes me smile [Pupil A] It really not it's a funny but bad photo hahah [Teacher] [emjoi shhh face] I've got loads of you on my phone and there are no bad ones, you look great in all of them [...] [Pupil A] No most of the photos you took where mugs of me [...] [Teacher] You are too critical of yourself, I love all the photos.
5. [Teacher] So, today I've seen a lot of my favourite people and done some fun things BUT I would have swapped it all for a cup of milo, a game of spoons and just being silly with you [emoji with tears in eyes] x
6. [Teacher] I will miss my plane buddy this time, although at least my blanket won't be stolen, enjoy the rest of the evening x
7. [Pupil A] I sadly won't be watching but that is a very rude joke x [Teacher] It's ok, I'm here all week and every day the sign is going to get ruder x [Pupil A] That's very very rude x [Teacher] You wait and see what I come up with by Friday, that will be very very very rude x [Teacher] Even when you call me the wrong name I was still nice (obs after the 24 hour ban) Even when I used the last of the eggs up on your breakfast so that there wasn't enough for me, I was still nice, Even after the blanket stealing and excessive snoring I was still nice. There is a very good chance that I will always be nice to you x
8. [Teacher] I'm your friend [Pupil A]
9. [Teacher] I'm going to miss you a ridiculous amount, I actually hate thinking about it, but I know you are going to do the best things. Sleep well [Pupil A] x
10. [Teacher] Really proud of you [Pupil A] (with one S), you are the best [REDACTED]. Well done again and the future is night, the future is [Pupil A] x

11. [Teacher] I will always be here for you [Pupil A], you've got me on you team no and that's not going to change.
12. [Teacher] You are PREMIER LEAGUE, and one of my favourite people on the planet (just after [redacted]). I don't know exactly what has happened and it's none of my business anyway but these people are clowns...

## Schedule 2

1. "I bet she does.....you can tell her that I miss [Person C] too"
2. "Msg [Pupil A] and tell her to put her phone away at the dinner table"

Mr Smith admitted the particulars of allegations 1, 2(a), 3, 4, 7, 8, and 9, and admitted that they amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in his response to the amended notice of referral signed 13 September 2025. Mr Smith denied allegations 2(b), 5(a), 5(b), 5(c), and 6.

## Summary of evidence

### Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 64

Section 3: TRA witness statements – pages 65 to 83

Section 4: TRA documents – pages 84 to 270

Section 5: Teacher documents – pages 271 to 280

In addition, the panel agreed to accept the following:

An email from Capsticks to Mr Smith dated 13 March 2026 comprising one page – page 281.

A copy of Mr Smith's request for an in-person hearing dated 18 January 2026 comprising one page – page 282.

Mr Smith's email to Capsticks dated 12 April 2026 including the attached three-page statement – pages 283 to 286.

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

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

## **Witnesses**

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

Witness A - [REDACTED]

Person E - [REDACTED]

Pupil A - [REDACTED]

Pupil B - [REDACTED]

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

On 20 April 2020, Mr Smith commenced employment as a PE teacher at the School. On 28 January 2021 Mr Smith was appointed Head of Cavell House and from 1 November 2021 he was appointed to the position of Assistant Head of UV, being Upper 5 (Year 11). Effective from September 2022, Mr Smith was appointed as a Teaching and Learning Specialist. He was also appointed as a career co-ordinator on 10 January 2023.

Mr Smith taught Pupil A from Year 8 to Year 11. At the end of [REDACTED], Mr Smith accompanied pupils on a school trip to [REDACTED] (the “School Trip”). During this trip, it is alleged he became increasingly close to Pupil A and engaged in regular one-to-one conversations with her.

On the [REDACTED], Mr Smith sat next to Pupil A.

Between [REDACTED], following their return from [REDACTED], Mr Smith exchanged WhatsApp messages with Pupil A.

In [REDACTED], Pupil A disclosed the messages and the alleged incident [REDACTED] to Pupil B and later told Person E.

On 11 October 2023, Mr Smith was arrested by the police on suspicion of sexual assault. On the same day, he was suspended from the School.

On 20 October 2023, the TRA received a referral regarding Mr Smith.

On 14 December 2023, the Police investigation closed with no further action.

On 31 December 2023, Mr Smith resigned from the School.

On 3 January 2024, a disciplinary meeting was held by the School concluding that had the Teacher not resigned, he would have been dismissed.

## 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:

### **1. You exchanged with Pupil A one or more of the messages as set out in Schedule 1.**

The panel noted that Mr Smith admitted allegation 1. Notwithstanding this, the panel made a determination based on the evidence before it.

The panel considered the screenshots of the WhatsApp messages allegedly exchanged between Mr Smith and Pupil A. The panel understood that these were copies of original messages from Pupil A's telephone and were acknowledged in evidence by Mr Smith and Pupil A to constitute correspondence between them.

The panel noted that the screenshots included all of the following phrases which were listed in Schedule 1:

- Mr Smith to Pupil A *"Well I'm going to keep telling you how amazing you are which will in turn raise your expectations, because I honestly believe you can do absolutely anything. You are going to be amazing, you are [Pupil A] and this is your world now"*  
(Schedule 1, item 1)

The panel found item 1 had been sent by Mr Smith to Pupil A whilst they were on the School Trip.

- Mr Smith to Pupil A *"Ahhhh [Pupil A] (one S), I don't like it when things end and this feels worse than normal. I have really missed not seeing you today as I've got very used to seeing you all the time. You made [REDACTED] for me. Probably wasn't a great idea to work today but I'm home now and in desperate need of a*

*shower. I am sure everyone is pleased to see you I hope you [REDACTED] is cooking non rice food for you tonight. [emoji of a bowl of rice and emoji of a red cross] Have a great evening and I'm relying on [REDACTED] pulling the blanket over you to stop you getting cold in the night x"*

*(Schedule 1, item 2)*

- *Mr Smith to Pupil A "Having proper 'Debbie Downers' tonight about being back, so I made this to cheer me up" and sent her a Spotify playlist link.  
(Schedule 1, item 3)*
- *[Mr Smith] "But most of all I am missing not seeing you all the time. There's no one here for me to annoy [emoji face with one tear]  
[Pupil A] [REDACTED]*
- *[Mr Smith] [Mr Smith shares picture of two young women] The one on the left that is...  
[Pupil A] [REDACTED]*
- *[Mr Smith] Behave yourself, this photo is great and it makes me smile  
[Pupil A] [REDACTED]*
- *[Mr Smith] [emoji shhh face] I've got loads of you on my phone and there are no bad ones, you look great in all of them [...]  
[Pupil A] [REDACTED]*
- *[Mr Smith] You are too critical of yourself, I love all the photos."  
(Schedule 1, item 4)*
- *Mr Smith to Pupil A "So, today I've seen a lot of my favourite people and done some fun things BUT I would have swapped it all for a cup of milo, a game of spoons and just being silly with you [emoji with tears in eyes] x"  
(Schedule 1, item 5)*
- *Mr Smith wrote, "I will miss my plane buddy this time, although at least my blanket won't be stolen, enjoy the rest of the evening x."  
(Schedule 1, item 6)*
- *Pupil A to Mr Smith [REDACTED]*

*Mr Smith to Pupil A "It's ok, I'm here all week and every day the sign is going to get ruder x"*

*Pupil A to Mr Smith [REDACTED]*

*Mr Smith to Pupil A "You wait and see what I come up with by Friday, that will be very very very rude x" "Even when you call me the wrong name I was still nice (obvs after the 24 hour ban) Even when I used the last of the eggs up on your*

*breakfast so that there wasn't enough for me, I was still nice, Even after the blanket stealing and excessive snoring I was still nice. There is a very good chance that I will always be nice to you x"*

*(Schedule 1, item 7)*

- *Mr Smith to Pupil A, "I'm your friend [Pupil A]."*  
*(Schedule 1, item 8)*
- *Mr Smith stated, "I'm going to miss you a ridiculous amount, I actually hate thinking about it, but I know you are going to do the best things. Sleep well [Pupil A] x"*  
*(Schedule 1, item 9)*
- *Mr Smith to Pupil A "Really proud of you [Pupil A] (with one S), you are the best non-water drinker/hoody stealer/wrong name caller/bracelet addict/after bite user/banana pancake eater/Talk Tonight lover/Little kid hugger/excess snorer/Extreme food server/Mona Lisa friend/Blanket thief/Photo lover that I know. Well done again and the future bright, the future is [Pupil A] x"*  
*(Schedule 1, item 10)*
- *Mr Smith to Pupil A, "I will always be here for you [Pupil A], you've got me on your team now and that's not going to change."*  
*(Schedule 1, item 11)*
- *Mr Smith told her she was "PREMIER LEAGUE, and one of my favourite people on the planet," and added that although he did not know exactly what had happened, "these people are clowns..."*  
*(Schedule 1, item 12)*

Save for item 1, the panel found that all the messages listed above, had been sent by Mr Smith to Pupil A when they had returned home from the School Trip. The panel found that item 1 was sent whilst Mr Smith and Pupil A were in [REDACTED].

The panel considered the written and oral evidence of Pupil A dated 14 December 2024. Pupil A stated that between around [REDACTED] exchanged messages with Mr Smith via WhatsApp.

She stated that Mr Smith had her phone number during the School Trip in [REDACTED]. There was no WIFI outside of the hotel so Mr Smith told her that she could call her parents from his phone and told her to put their numbers along with her own number, into his phone. In her oral evidence she confirmed that he did not provide a reason as to why she should put her own number into his phone. Pupil A identified all of the WhatsApp messages listed within Schedule 1 as messages which she had received from Mr Smith.

The panel noted that Mr Smith acknowledged in evidence including his written statement dated 30 June 2024, and the extracts of the emails contained therein, that he realised that his messages at times were too friendly and over familiar, but he thought it was due to spending 16/17 hours a day with someone. The panel noted that Mr Smith spoke about the messages as one and didn't confirm whether he had sent each individual message set out in Schedule 1. The panel noted however, that he admitted allegation 1 as a whole. In his written statement dated 12 April 2026 he stated that he had "*gone through all of these messages*" and agreed that they were unprofessional and "*blurred the lines between what is acceptable and not*".

The panel carefully considered the evidence before it noting in particular the screenshots, Pupil A's evidence and Mr Smith's evidence.

The panel was satisfied that the messages in green on the screenshots were from Pupil A and the grey messages were from Mr Smith. It was also satisfied that Mr Smith's name had been correctly labelled and shown at the top of the screenshot above the WhatsApp conversation.

The panel noticed the messages contained in item 4 were split into two different parts of the bundle, but the panel examined the timing of the messages and the photos within the messages and were satisfied that they were part of a chain of messages.

The panel noted that the full chain was not contained in item 7 and there were three messages that were not included in the Schedule. Nevertheless, the messages contained in item 7 were present.

Whilst the panel heard evidence that Pupil A also messaged Pupil B via Mr Smith's mobile phone during the trip, the panel were satisfied that the particular messages identified in Schedule 1 were between Mr Smith and Pupil A directly.

The panel found it proven that Mr Smith had exchanged with Pupil A one or more of the messages as set out in Schedule 1.

The panel found allegation 1 proven.

## **2. In or around [REDACTED] when returning from a school trip you:**

### **a) Asked and/or allowed Pupil A to put their legs over your legs.**

The panel noted that Mr Smith admitted to allegation 2 (a).

The panel considered the oral and written evidence of Pupil A, who stated that during [REDACTED] from [REDACTED] she was upset, and Mr Smith came to sit next to her. She stated that Mr Smith told her that she could put her legs across him, and so she did.

During Pupil A's live evidence, she confirmed that she was in the [REDACTED]. She explained that she told Mr Smith she was going to go to sleep and he said she could put her legs over him.

The panel noted Mr Smith's written statement dated 21 April 2025 in which he explained that Pupil A was upset and a [REDACTED] informed him that Pupil A was crying. He then moved to sit next to her. Once she had calmed down, she watched a film. After a couple of hours, she said she was tired but couldn't sleep because she was sitting up. He then gave her his pillow and said *"if you put them on the window you can sleep across me"*. Mr Smith goes on in his statement to say *"so I put my blanket over my legs because I was wearing shorts and put her legs on top of my blanket with another blanket on top of her legs"*.

The panel carefully considered the evidence before it. The panel noted that it appeared uncontested as between Pupil A and Mr Smith, on the information which it had before it, that Mr Smith allowed Pupil A to put her legs over his legs.

The panel noted that during Pupil A's live evidence, she stated that Mr Smith said she "could" put her legs on his. The panel considered that this showed that Mr Smith, not only allowed, but suggested that Pupil A put her legs on his.

The panel found it proven that Mr Smith asked and/or allowed Pupil A to put their legs over his legs.

The panel found allegation 2 (a) proven.

**b) Covered Pupil A's legs with a blanket and rubbed and/or touched Pupil A's thigh with your hand(s).**

The panel noted that Mr Smith denied allegation 2 (b).

The panel considered the written and oral evidence of Pupil A, who stated that after she put her legs across Mr Smith, he put a blanket over her legs with his hands under the blanket.

She stated in her written evidence dated 14 December 2024 that Mr Smith then placed his left hand by her knee and his right hand was on the inside of her right thigh above her knee and rubbed them a bit. In oral evidence Pupil A stated that Mr Smith rubbed the inside of her right thigh by her knee using a circular motion. Pupil A stated that she felt shocked.

In both her written and oral evidence Pupil A stated that the lights [REDACTED] were off when these events occurred. Pupil A stated that when the lights came on, she stood up

and went to see her friends and told one of them what happened. She said she did not know what to do and she did not tell anyone else as she was scared.

Upon returning to the seat, Mr Smith said she could put her legs across him again and she said no.

Pupil A described how his hands were on her legs for, she thought, around 2 hours. The panel noted Mr Smith's written evidence that his hands were on top of the blanket for around 15- 20 minutes as he had to get up to go to the toilet. He denied rubbing or touching her thigh.

The panel considered the oral evidence and written statement of Pupil B, who stated that on a date she could not remember, a week or more after the School Trip, at a mutual friend's house, Pupil A told her, and another mutual friend, that Mr Smith had touched her leg inappropriately during the [REDACTED] trip home when they were sat next to each other. Pupil B stated that Pupil A had told her she had her legs on his and there was a blanket and that he had put his hands on her leg. She stated that she urged Pupil A to say something to someone, but Pupil A did not want to risk Mr Smith getting in trouble.

Pupil B stated that it was quite worrying and that she told Pupil A that it was not normal.

The panel again noted Mr Smith's written statement dated 21 April 2025 in which he had stated: *"I then gave her my pillow and said if you put them on the window you can sleep across myself and so I put my blanket over my legs because I was wearing shorts and put her legs on top of my blanket with another blanket on top of her legs"*

The panel further considered the written email of Mr Smith to Individual A dated 4 December 2023 contained in his written statement dated 21 April 2025. Individual A was conducting the School's disciplinary investigation meeting. In this email, he described the events during the flight home from the School Trip. Mr Smith stated that he positioned both of his *"hands on top of the second blanket and they were resting on the blanket above the lower part of her shins, both my hands were together at all times and did not move"*.

The panel considered Mr Smith's written statement dated 12 April 2026 in which he stated: *"I categorically deny this ever happened, I would never do this to anyone and it's sickening to think that someone could think I would. I shouldn't even have been sat in that seat; I had already sat in my allocated seat when [REDACTED] found me and requested that I dealt with the pupil who was extremely upset. I know that the full account is part of the hearing bundle"*.

The panel found both Pupil A's and Pupil B's oral evidence to be consistent with their written evidence and measured. The panel found that Pupil A and Pupil B appeared clear when they were not sure or uncertain.

The panel carefully considered the contemporaneous evidence before it. The Panel noted that in Pupil A's written statement dated 14 December 2024 she is recorded as having said "*he then placed his hands on my thigh and other leg and rubbed them a bit.*" The panel noted this was entirely consistent with her evidence to the panel.

The panel noted that it had clearly been admitted by Mr Smith that he covered Pupil A's legs with a blanket, that she also acknowledges this and that therefore this was not a matter in dispute.

Regarding the allegation that Mr Smith then rubbed and/or touched Pupil A's thigh with his hand(s), the panel noted that Mr Smith's evidence was that his hands were together on top of the blanket at all times and did not move but found Pupil A's live evidence to be persuasive and consistent. The panel found on the balance of probabilities that Mr Smith had covered Pupil A's legs with a blanket and rubbed and/or touched Pupil A's thigh with his hand(s).

The panel found allegation 2(b) proven.

### **3. You took and/or kept photographs of Pupil A.**

The panel noted that Mr Smith admitted to allegation 3.

The panel considered the supplementary witness statement of Individual B and the telephone attendance note dated 4 March 2026, recording a call between Capsticks Solicitors and Individual B. Individual B was recorded as stating that Mr Smith was not the trip leader for the School Trip and that this role was held by Individual C.

Individual B was recorded as saying she did not personally give Mr Smith permission to take photographs of pupils on his personal mobile device, as she did not speak to him about the use of mobile phones for photographs before the trip. She stated that he may have been given permission by Individual C, as it was just the two of them on the trip and this may have happened on previous similar trips.

Individual B stated that the School policy provided that photographs of pupils should not be kept on the mobile phones of staff and that they should be deleted immediately upon return. Individual B stated that there was an online central School depository for photographs and/or videos taken on School trips. If images were required for presentations to other pupils about the trip, the expectation was that the images would be taken from the central School depository. The expectation of the School was that all images were deleted from personal devices once they were deposited. During the presenting officer's submissions, the panel were referred to the code of conduct for staff, in particular appendix 5, 5.8 which states that "*all images of children should be stored securely and accessed only by those authorised to do so*".

The panel again considered the WhatsApp messages within the bundle. In particular it noted a message from Mr Smith to Pupil A stating *“it’s not a good feeling at all, I’m really missing this face.”* The message was followed by a photo with Pupil A and another pupil in it. Whilst the photo available to the panel had the faces of the people in it redacted, Pupil A in her oral evidence, confirmed that the image was of her and another pupil.

A further message was sent from Mr Smith to Pupil A on [REDACTED] stating *“[emoji shhh face] I’ve got loads of you on my phone and there are no bad ones, you look great in all of them [...].”*

Pupil A’s reply was [REDACTED].

Pupil A stated in her written and oral evidence that Mr Smith sent her a photograph of herself which had been taken on his phone. The evidence was consistent with the WhatsApp messages contained within the bundle. She stated that although she had taken one photograph of herself on his phone, she did not know what the other photographs he referred to were.

The panel considered the written email of Mr Smith dated 4 December 2023, in which he stated that the police searched his phone, iPad, computer, memory sticks and cards and that there was *“obviously nothing on them”*, and that the [REDACTED] photos were *“all very general, lots of group ones and funny ones”*. He stated he had intended to create a slideshow for the assembly and parents’ meeting from the pictures he had.

Mr Smith stated in his statement dated 12 April 2026: *“Yes, there was photos of the trip on my ipad. Another member of staff from the trip had set up a dropbox for everyone to upload their photos from the trip to as they felt it was the easiest way for everyone to share photos. The only reason that I still had them is that I had been asked by the deputy head of the school to run an assembly for the whole school to show them about the trip and also for a parents evening for prospective pupils who wanted to go on future trips, The youngest pupil we had at the school was 4 and there wasn’t one photo that I had which couldn’t have comfortably been shown to a 4 year old. As soon as the presentation had been delivered then they would have all been deleted”.*

The panel carefully considered the evidence before it. The panel do not know when the photos were deleted but found that Mr Smith’s own use of the ‘shhh emoji’ gave credence to the allegation in that he knew it was not appropriate to keep the photos on his phone and was being secretive. The panel found that the photo sent by Mr Smith was indeed taken by him. The panel found that both Pupil A and Mr Smith referred to the photos in their messages in the plural, consistent with there being more than one photo on Mr Smith’s mobile phone or iPad which were taken by Mr Smith himself.

The panel considered it proven to the standard of the balance of probabilities, noting Mr Smith’s admission, that he took and/or kept photographs of Pupil A.

The panel found allegation 3 proven.

#### **4. You bought Pupil A jewellery.**

The panel noted that Mr Smith admitted to allegation 4.

The panel considered the oral evidence and written statement of Pupil A, who stated that during the trip to [REDACTED] Mr Smith bought her a bracelet and that there was an image of the bracelet within the WhatsApp messages which the panel had. Mr Smith approached her at the hotel in [REDACTED] and gave her the bracelet, and she was not aware that he gave a bracelet to anyone else.

The panel considered the WhatsApp messages in which both Pupil A and Mr Smith sent each other pictures of bracelets on their own arms. In Pupil A's oral evidence, she described how they had matching bracelets which is consistent with the photos which showed they both had a [REDACTED].

The panel considered Mr Smith's written evidence dated 30 June 2024 that the jewellery in question was thin fabric bands the like of which you find in markets. He stated that he wanted to bring a couple of bracelets home for [REDACTED] and towards the end of the trip he bought 10 for the equivalent of 95p and that he bought some home and gave others away as a memento of the trip. Mr Smith stated it had been an incredible [REDACTED] and that he did build bonds with the group, so he wanted a very simple method of remembering the trip and the fun times that had been had.

The panel considered Mr Smith's written statement of 12 April 2026 in which he stated: *"On the trip a number of pupils and teachers bought me one, on the last day I bought 10 of these bands for the equivalent of 10p each and everyone who gave one to me, I then gave them one back"*.

Pupil A stated in her oral evidence that she was not aware of her friends receiving a bracelet from Mr Smith.

The panel carefully considered the evidence before it and in light of Mr Smith's admission together with the WhatsApp messages showing the bracelet on Pupil A's arm to be consistent with Pupil A's evidence that he brought her a bracelet and gave it to her at the hotel.

The panel considered it proved that Mr Smith had brought Pupil A jewellery, specifically a fabric bracelet.

The panel found allegation 4 proven.

#### **5. You said to Pupil A:**

**a) “You can’t wear that around me in my class because I thought you were naked” or words to that effect.**

The panel noted that Mr Smith denied allegation 5 (a).

The panel considered the oral evidence and written statement of Pupil A, who stated that during a PE lesson at the start of [REDACTED] she wore her friend’s oversized hoodie which went over her skirt and that Mr Smith told her that she could not wear it as it made it seem like she was not wearing anything underneath.

In Mr Smith’s written statement dated 21 April 2025 he stated that he remembered this happening, it was in [REDACTED]. He stated that the School had very strict rules on uniform and one of the key rules was that PE kit was not allowed to be worn around school. He stated that he was always very strict on this as he would be the first port of call if complaints were made by staff. He indicated that he had told her that she couldn’t wear that in his classroom and she needed to go and change as it wasn’t appropriate.

The panel carefully considered the evidence. The panel noted that it was unable to find in the evidence the exact wording stated within the allegation.

The panel noted differences between the allegation and that which Pupil A recalled being said in her written evidence including the omission of the wording “*around me*” and “*thought you were naked*”, and considered whether Pupil A’s evidence amounted to “*words to that effect*”.

The panel considered that the words “*around me*” which were within the allegation personalised and potentially sexualised the comment, but it was not put to Pupil A by the TRA whether this particular wording had been said as it was not in Pupil A’s evidence. The panel also considered that the words “*thought you were naked*” and Pupil A’s evidence of “*not wearing anything underneath*” were different and capable of another interpretation and did not consider that one was “*words to the effect of*” the other.

The panel found that Pupil A’s live evidence was consistent with her statement. However, the panel did not find it proven, on the balance of probabilities that Mr Smith had said “*You can’t wear that around me in my class because I thought you were naked*” or words to that effect.

The panel therefore found allegation 5 (a) not proven.

**b) You needed to get the image of Pupil A out of your head as it looked like Pupil A had no clothes on or words to that effect.**

The panel noted that Mr Smith denied allegation 5(b).

The panel again considered Mr Smith's statement of 30 June 2024. It noted that Mr Smith said, in response to this allegation, that "*this categorically did not happen, there is not a chance that I would have said those words to anyone let alone a pupil*".

Noting it was hearsay and therefore placing very limited weight upon it the panel considered the telephone attendance note dated 3 April 2024 which was attached to Person E's written statement dated 12 March 2026. The attendance note was a note of a call-in which Person E, [REDACTED], spoke with Capsticks Solicitors. During that call, Person E was recorded as stating that Pupil A had disclosed that Mr Smith had made some inappropriate comments towards her. She described that one comment related to Pupil A's PE jumper being too long, and that Mr Smith said to Pupil A that it looked like she did not have a skirt on and that he needed to get that image out of his head as it looked like Pupil A had no clothes on.

The panel considered the oral evidence of Person E. Person E clarified in her oral evidence, regarding the record of her conversation with Capsticks of 3 April 2024 that the word she would have used was "*thought*" not "*image*".

The panel noted that this allegation, and the particular wording of having a "*thought*" or "*image*" in his head, which personalised and potentially sexualised the comment, had not been put to Pupil A by the TRA. The panel noted that Pupil A had not dealt with this comment in her witness statement or in oral evidence.

The panel carefully considered the evidence before it and, in the absence of evidence from Pupil A regarding the comment, the panel found that Person E's account, which was hearsay and the sole evidence to be put against Mr Smith's denial, did not satisfy the burden of proof required.

On balance the panel did not consider that the TRA had proven allegation 5 (b) to the standard of the balance of probabilities.

The panel found allegation 5 (b) not proven.

**c) You were not in a good way and/or that you had suicidal thoughts.**

The panel noted that Mr Smith denied allegation 5(c).

The panel considered the oral and written evidence of Pupil A, who stated that during the School Trip Mr Smith had told her that he had no one waiting for him at home, that there was no reason to go back and that he was having suicidal thoughts. Pupil A described how this conversation took place towards the end of the School Trip in one of the last camps and that whilst another pupil was near them at the time, Pupil A was unsure whether the other pupil was listening to the conversation.

The panel again considered the WhatsApp messages between Pupil A and Mr Smith and noted the following messages from Mr Smith to Pupil A:

- *Having proper 'Debbie Downers' tonight about being back, so I made this to cheer me up.*
- The broken heart emoji sent on 19 August 2023
- *I need to snap out of it*
- *I don't usually miss things or people, really strange feeling.*
- *I am going to miss you a ridiculous amount, I actually hate thinking about it...*
- *I don't like it when things end and this feels worse than normal. I have really missed not seeing you today*
- *It's not a good feeling at all, I'm really missing this face*
- *The worst bit about going home is not seeing you all day every day and just having fun with you. That makes me sad.*

The panel considered the oral evidence and written statement of Pupil B, who stated that Pupil A had told her that Mr Smith would add to her concerns by telling her that he was mentally unwell.

Pupil B further stated that Pupil A had said that her biggest worry was that Mr Smith would kill himself if she stopped messaging him and that she had extreme anxiety about this. In Pupil B's oral evidence, she described how Pupil A discussed this with her whilst they were at a mutual friend's house a week or more after the School Trip.

The panel found that Pupil B's evidence was consistent and measured though noted it was hearsay.

The panel considered the written statement of Mr Smith who stated that he knew that he spoke to around 3-4 of the pupils in a group conversation with another teacher present. They discussed mental health and the importance of speaking about things and not bottling them up. He told the group about [REDACTED] and the impact that had on many people. He stated that at no point did he say that he had been having suicidal thoughts as this would not have been true.

The panel noted that it was unable to test Mr Smith's evidence as he did not attend the hearing to give oral evidence.

The panel carefully considered the evidence before it. The panel found that there was a consistent element of the expression of sadness in Mr Smith's WhatsApp messages to Pupil A. The panel found that Mr Smith's messages showed a stated reliance on Pupil A for emotional support. The panel found that Pupil A's detail around the conversation was credible. The panel found that these elements, together with Pupil A's live evidence stating that she was concerned about what he would do if she stopped replying to him,

given his comment regarding having suicidal thoughts, increased the likelihood that the statement had been made as Pupil A said it had.

The panel found that Mr Smith had said to Pupil A that he was not in a good way and/or that he had suicidal thoughts.

On the balance of probabilities, allegation 5(c) was proven.

**6. Your conduct as may be found proven at allegations 1 – 5 was sexually motivated.**

The panel noted that Mr Smith denied allegation 6. The panel noted that it had only found proven allegations 1, 2 (a) and 2 (b), 3, 4, and 5 (c) and proceeded to consider this allegation on that basis.

The panel then considered whether Mr Smith's conduct was sexually motivated. It noted the guidance from *Basson v General Medical Council* [2018] that: "*A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship.*"

The panel further noted that in *General Medical Council v Haris* [2021], it was stated that: "*In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves. A sexual motive was plainly more likely than not; I would go so far as to say that that inference was overwhelming.*"

The panel considered whether there was a plausible innocent explanation for the conduct as found proven at allegations 1, 2 (a) and 2 (b), 3, 4, and 5 (c).

In relation to allegation 1 and the messages in Schedule 1, the panel considered the written email of Mr Smith, dated 4 December 2023. He stated that when he looks back now, he realises that his messages were at times too friendly and over familiar and that there was never any sexual motive behind any message he sent. He stated that the last contact was wishing her good luck on her first day at college.

The panel considered Mr Smith's statement of 12 April 2026 in which he stated that his intentions were always to be a positive impact on everyone both in and out of school, and to say that he did this because he was sexually motivated was incorrect but absolutely devastating to him, and that it could not be further from the truth.

The panel noted that on the wording of the allegation, it was required to consider the WhatsApp messages contained in Schedule 1 only rather than the wider messages within the bundle.

The panel considered that the messages lacked sexual content. There was no evidence of any suggestion from Mr Smith that he and Pupil A meet up or that the messages be kept secret.

In relation to allegation 2, the panel considered that Mr Smith's behaviour was capable of being regarded as in pursuit of sexual gratification. The panel noted however that Mr Smith had been called over by the cabin staff as Pupil A was upset. Mr Smith's evidence was that he approached her to be supportive. The panel noted that it had found that at some point after this Mr Smith for some period rubbed her lower inner thigh in a circular motion. The panel noted this behaviour was clearly unacceptable under any circumstances and noted that Mr Smith had denied it. Notwithstanding this the panel did not consider that the TRA had demonstrated to the standard of the balance of probabilities that Mr Smith was sexually motivated in his actions. Further, the panel noted that there was a plausible alternative reason for Mr Smith's conduct in this regard specifically that he was endeavouring, albeit in a wholly inappropriate and improper way, to continue the process of comforting and reassuring her. The panel found that whilst the behaviour was highly inappropriate, on the balance of probabilities that allegation 2 was not proven to be sexually motivated.

Regarding allegation 3, from the photographs that the panel had available to it, and from the wider evidence, there was no evidence of sexual content or motivation.

With regard to allegation 4, there was clearly a sharing of bracelets between members of the trip. The panel had no evidence that a sharing of a bracelet between Mr Smith and Pupil A was sexually motivated.

In relation to allegation 5c, this could be seen as being the beginnings of the pursuit of a sexual relationship. However, the panel felt that there was a plausible alternative motive in that Mr Smith was looking for emotional support from Pupil A. In the absence of any other evidence, the panel found that whilst the behaviour was highly inappropriate, on the balance of probabilities that allegation 5c was not sexually motivated.

On the balance of probabilities, the panel found allegation 6 not proven.

#### **7. You failed to report the relationship that had developed between you and Pupil A to the Designated Safeguarding Lead.**

The panel noted that Mr Smith admitted to allegation 7 and stated in his statement dated 12 April 2026 that this was an error of judgement, and he should have reported the relationship.

The panel considered the Child Protection and Safeguarding Policy, which stated that *"all staff have a responsibility to be aware of the systems within their school which support safeguarding"* and that *"staff should be aware of the process for making referrals to*

*children’s social care and for statutory assessments.” The policy further stated that “all staff must report any concerns about a child’s welfare to the Designated Safeguarding Lead (DSL) without delay” and that “staff should be mindful that inappropriate relationships between staff and pupils are never acceptable and would constitute a serious safeguarding concern.” The panel noted the section requiring that “any behaviour which may raise concern about a member of staff’s conduct, behaviour or suitability must be reported immediately to the DSL or headteacher” and that “failure to follow reporting procedures may result in disciplinary action.” The policy also stated that “staff must maintain appropriate professional boundaries at all times” and that “any behaviour that could be misinterpreted must be reported.”*

The panel considered the code of conduct for staff which stated that teachers “*should avoid any words or actions that are over-familiar*”. The policy further states that “*all staff have a duty to report any wrongdoing or proposed wrongdoing. This duty applies even if the concern is no more than one which causes a sense of unease or a nagging doubt.*” The panel noted that the code of conduct for staff also stipulated that teachers must seek guidance from the Designated Safeguarding Lead if they were in any doubt about what would be appropriate conduct.

The panel considered the WhatsApp messages within the bundle.

- The broken heart emoji sent on 19 August 2023
- *I am going to miss you a ridiculous amount, I actually hate thinking about it...*
- *I don’t like it when things end and this feels worse than normal. I have really missed not seeing you today*
- *It’s not a good feeling at all, I’m really missing this face*
- *The worst bit about going home is not seeing you all day every day and just having fun with you. That makes me sad.*
- *I’m relying on your brother pulling the blanket over you to stop you getting cold in the night x”*
- Mr Smith to Pupil A “*It’s ok, I’m here all week and every day the sign is going to get ruder x”*
- Pupil A to Mr Smith [REDACTED]
- Mr Smith to Pupil A “*You wait and see what I come up with by Friday, that will be very very very rude x” “Even when you call me the wrong name I was still nice (obvs after the 24 hour ban) Even when I used the last of the eggs up on your breakfast so that there wasn’t enough for me, I was still nice, Even after the blanket stealing and excessive snoring I was still nice. There is a very good chance that I will always be nice to you x”*
- *...I think they were impressed that I knew a girl, especially a girl who looked like that...*

- *...I've seen a lot of my favourite people today BUT I would have swapped it all for a cup of milo, a game of spoons and just being silly with you [tears in eyes emoji]*

The panel considered the oral evidence of Individual B who described that teachers attended a start of year safeguarding briefing with the designated officer who would go through the policies and any updates. She described there being five INSET days per year and part of those days were designated to safeguarding.

She described that all staff could access the staff handbook and compliance policies on the website and on the school network drive and that teachers were required to sign that they had read and understood section 1 of KCSIE. Individual B stated that the safeguarding policy and code of conduct for staff was printed out and handed to staff.

The panel found that Mr Smith had been overfamiliar and had developed an emotional personal relationship with Pupil A as was demonstrated by, amongst other things, the WhatsApp messages and Pupil A's evidence. Given his status as a teacher, and the duties set out in the safeguarding policy and code of conduct for staff, Mr Smith would have known that he should have reported his interactions and behaviour to the Designated Safeguarding Lead and the evidence was clear that he did not do so.

The panel found allegation 7 proven.

#### **8. You exchanged personal mobile telephone numbers with one or more pupils.**

The panel noted that Mr Smith admitted to allegation 8.

The panel considered the telephone attendance note dated 4 March 2026 which recorded a call between Capsticks Solicitors and Individual B and her oral evidence. The note recorded a discussion around the exchange of personal phone numbers. Individual B stated that she did not speak to Mr Smith prior to the trip about exchanging phone numbers with pupils. She further stated that Individual C may have done so, and that it was possible that Individual C said to Mr Smith to exchange numbers with pupils for security reasons whilst they were out there.

Individual B stated that it was fairly common practice for staff to take pupils' phone numbers for security purposes while on school trips and that such numbers would usually be kept in a list. At the time of the School Trip the School did have duty phones, but that these were not particularly effective, and that it may have been felt that a personal mobile phone would be more suitable. Individual B's best guess was that Mr Smith and Individual C had discussed security arrangements and likely agreed between them that they needed phone numbers of all pupils. The panel was informed that Individual C [REDACTED].

Individual B stated that any personal data of pupils held on staff members' phones should be deleted once the trip had ended.

The panel considered the oral evidence and written statement of Pupil A, who stated that during the School Trip Mr Smith told her to put her parents' telephone numbers into his phone. He also told her to put her own number in as well, but didn't say why.

Pupil A stated that Mr Smith started to message her on WhatsApp, during the last 2 days of the School Trip, and that the messages continued once they returned home. The panel considered the evidence from Pupil A that when asked how the pupils and teachers kept in contact when they were outside of the hotel, Pupil A confirmed that they generally stayed together and they could only use their phones to take photos as they had no internet or WIFI.

The panel considered the oral evidence and written statement of Pupil B, who stated that when Pupil A was in [REDACTED] she was not able to go on her phone as it was not working. Pupil B said that Mr Smith let Pupil A use his phone to contact Pupil B for the duration of the trip. Pupil B said that she and Pupil A would have occasional phone calls and send texts. Pupil B also stated that when they returned from the trip Mr Smith continued to message Pupil B occasionally. She stated that on one particular day she received a message from Mr Smith telling her to make sure Pupil A watched a certain football match, which he sent using his personal phone number.

The panel considered the written email of Mr Smith dated 4 December 2023, in which he stated that during the School Trip he let Pupil A use his phone, and that he allowed her to call her parents on several occasions.

The panel found Mr Smith's reasoning to lack clarity. He did not give a reason to Pupil A as to why her phone number was required when she was inputting her parent's numbers into his phone. He continued to message Pupil A when they had returned home from the school trip. The panel noted Mr Smith's written statement which contained the email to Individual A on 4 December 2023. In this email he stated that he stayed in touch with Pupil A as he was "*really worried about her*" but he had failed to report any concerns. Mr Smith retained the numbers of Pupil A and Pupil B following his return from the School Trip.

The panel found allegation 8 proven.

#### **9. You exchanged with Pupil B one or more of the messages as set out in Schedule 2.**

The panel noted that Mr Smith admitted to allegation 9.

The panel considered the screenshot of WhatsApp messages between Pupil B and Mr Smith dating from 13 to 20 August 2023, which showed Mr Smith sending the message "I

*bet she does... you can tell her that I miss [Person C] too” in response to a message from Pupil B. The screenshot further recorded Mr Smith stating “Msg [Pupil A] and tell her to put her phone away at the dinner table”.*

The panel considered the oral evidence and written statement of Pupil B, who provided screenshots of WhatsApp messages between her and Mr Smith and confirmed that these were the only messages she holds.

Pupil B confirmed that the two messages set out in Schedule B were from Mr Smith despite, at times, Pupil A having access to Mr Smith’s phone.

The panel had little evidence from Mr Smith on this allegation other than his admissions in the response to the notice of referral forms dated 4 August 2025 and 13 September 2025.

The panel considered the WhatsApp messages and were satisfied that that the messages in green on the screenshots were from Pupil B and the grey messages were from Mr Smith. The panel was also satisfied that Mr Smith’s name had been correctly labelled and shown at the top the screenshot above the WhatsApp conversation.

The panel found allegation 9 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 (namely allegations 1, 2 (a), 2 (b), 3, 4, 5 (c), 7, 8 and 9), 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 was satisfied that the conduct of Mr Smith, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE").

The panel consider that Mr Smith was in breach of part 1, paragraph 13: *"All staff should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include the:*

- *Child protection policy...*
- *Behaviour policy...*
- *Staff behaviour policy (sometimes called a code of conduct) should amongst other things, include low-level concerns, allegations against staff...*
- *Safeguarding response to children who go missing from education; and*
- *Role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies)."*

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 in relation to the facts found, the offence types were not relevant.

The panel considered, and had found, that Mr Smith's conduct found proven at allegations 1–3 and 5c and 7, involved very serious failures and misconduct on his part.

Having again reviewed the messages in Schedule 1, the panel found that these WhatsApp messages were over-familiar, personal, continued after the School Trip and included language of emotional dependence of Mr Smith towards Pupil A; messages evidencing this dependence included *"I am your friend"* and *"most of all I am missing not seeing you all the time"*. The individual messages and indeed the entire nature of the correspondence significantly crossed professional boundaries. Mr Smith professing

emotional dependence on Pupil A, placed pressure on her and further blurred professional boundaries. The panel was highly concerned by the negative impact on Pupil A causing her anxiety and distress and this was supported by the oral evidence of Person E and Pupil B. Pupil A in her oral evidence stated that she felt she had to message Mr Smith back through fear of his mental health. The panel found that this was a failure to safeguard Pupil A's wellbeing.

The panel found allegation 2 (a) and 2 (b) to be very serious: a teacher rubbing a Pupil's inner thigh under a blanket having asked her to put her legs on him. The panel considered Mr Smith's behaviour to be highly inappropriate and unprofessional. Pupil A in her written and oral evidence stated that she felt very uncomfortable, shocked and now finds it "*very hard to trust people*".

Regarding allegation 3, the keeping of the photographs on a personal device is serious in this case. Mr Smith used a photo to prompt further communication with Pupil A. The use of the 'shhh emoji' and Mr Smith's comment that he had "*loads*" of photos on his phone of Pupil A was very concerning to the panel and again crossed professional boundaries in the panel's view.

In relation to allegation 5c, Mr Smith's messages appeared to communicate to Pupil A that he relied on her for emotional support, and that this contributed to Pupil A's concern about what might happen if she stopped replying. The panel considered that this reversed the appropriate safeguarding dynamic and placed an inappropriate emotional burden on Pupil A.

Allegation 7: Given the findings that the panel has made about the relationship, its over-familiarity and inappropriate nature, the relationship should have been disclosed and escalated under safeguarding procedures. Failing to report is itself a serious departure from any acceptable professional standard and the omission to do so ensured a lack of oversight and intervention by Mr Smith.

The panel found that whilst the facts were proven regarding allegations 4, 8 and 9, this did not amount unacceptable professional conduct.

Regarding allegation 4, the panel found it was a fabric, low-value market bracelet, and in isolation, the panel found that the TRA had not proven to the standard of the balance of probabilities that Mr Smith's actions in giving it to her had been intended to single her out. Though concerned that, again, this conduct illustrated Mr Smith treating her as a friend rather than a child under his professional care, the panel did not consider it proven that this conduct amounted to unacceptable professional conduct.

Regarding allegation 8, the exchange of numbers, it was established that staff sometimes took numbers for trip security, that this was condoned by the School as duty phones were not effective on trips overseas. While the panel found this allegation proved, it did not

meet the threshold required to meet unacceptable professional conduct in the panel's view.

The messages between Pupil B and Mr Smith in allegation 9 were of limited content and frequency and did not, the panel found, constitute unacceptable professional conduct.

Although the panel found that allegations 4, 8 and 9 did not amount to unacceptable professional conduct in isolation, they provided context regarding the blurring of professional boundaries.

The panel found the conduct fell within the education setting as it involved Mr Smith's behaviour during a school trip. The panel found that whilst some of the messages in Schedule 1 and Schedule 2 were outside of the education setting, their sending amounted to unacceptable professional conduct as they may lead to pupils being exposed to or influenced by the behaviour in a harmful way.

The panel considered whether there were any personal mitigating circumstances that might explain parts of Mr Smith's conduct at the relevant time. The panel noted that there was no medical evidence to explain why Mr Smith professed himself to rely on Pupil A for emotional support. The panel noted that Mr Smith stated he was trying to support Pupil A, however his actions were not compatible with his stated intent and the appropriate follow up actions required by school policies. The panel did not consider that there were any relevant mitigating factors for his behaviour.

The failure to maintain proper professional boundaries and safeguard pupil wellbeing 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 Smith was guilty of unacceptable professional conduct in relation to his conduct as found proven at allegations 1, 2 (a), 2(b), 3, 5 (c) and 7.

In relation to whether Mr Smith's actions amounted to conduct that may bring the profession into disrepute, the panel found the conduct fell within the education setting as it involved Mr Smith's conduct during the School Trip. 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 did not find any offence was relevant.

The panel found that the conduct proven at allegations 1, 2 (a), 2(b), 3, 5 (c) and 7 would be viewed by an ordinary member of the public as serious departures from the standards expected of a teacher. This included maintaining over-familiar and personal communications with a pupil, which continued after the School Trip and contained language indicative of emotional dependence, seriously blurring professional boundaries and authority. The panel also found that the physical contact with Pupil A on the return flight, including covering her legs with a blanket and rubbing or touching her thigh, would be considered by the public to be a serious failure to maintain appropriate professional boundaries in a safeguarding context.

The panel found that whilst some of the messages in Schedule 1 and Schedule 2 were outside of the education setting they amounted to conduct that may bring the profession into disrepute as the conduct displayed was of a serious nature and would likely have a negative impact on the public's perception of the individual as a teacher.

The panel further considered that retaining multiple photographs of a pupil on a personal device, and using at least one photograph to prompt further personal communication, would be likely to concern members of the public, particularly given the use of the [shhh emoji] and Mr Smith's reference to having "loads" of photographs, which suggested secrecy and a lack of professionalism. In addition, the panel found that Mr Smith's implications of reliance on Pupil A for emotional support, placed an inappropriate emotional burden on a pupil which the public would be concerned about. The failure to report the developing and over-familiar relationship to the Designated Safeguarding Lead further compounded these concerns, as the public would expect safeguarding issues and boundary concerns to be escalated. Taken together, this conduct was capable of undermining public confidence in Mr Smith as a teacher and in the profession and therefore amounted in the panel's view to conduct that may bring the profession into disrepute.

The panel found that, whilst the facts were proven in relation to allegations 4, 8 and 9, those matters, viewed in isolation, were not of such a serious nature as to be likely to damage the public's perception of Mr Smith as a teacher. However, the panel noted that these matters formed part of the wider factual context demonstrating the blurring of professional boundaries.

For these reasons, the panel found that Mr Smith's actions at allegations 1, 2 (a), 2(b), 3, 5 (c) and 7 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 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 and the protection of other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct within the teaching profession.

In the light of the panel's findings against Mr Smith, which involved his developing an over-familiar and inappropriate relationship with a pupil, engaging in clearly unacceptable physical contact with the pupil, sending personal and over-familiar messages and displaying emotional reliance on a pupil, retaining multiple photographs of the pupil on a personal device, and his failing to report the developing relationship to the designated safeguarding lead, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

The panel considered that the public would expect teachers, at all times including when supervising pupils on school trips and during travel, to maintain clear professional boundaries and to escalate safeguarding concerns through appropriate channels.

The panel was highly concerned by the impact on Pupil A of Mr Smith's actions, including the anxiety and pressure identified in her evidence caused both by the emotional burden placed on her by Mr Smith and by Mr Smith's actions. There was insufficient acknowledgement by Mr Smith of this in the documentation which he had submitted.

Similarly, the panel considered that public confidence in the teaching profession could be seriously weakened if conduct of the nature found proved against Mr Smith were not treated with the upmost seriousness when regulating the conduct of the profession. The panel considered that members of the public are entitled to expect teachers to maintain professional boundaries with pupils, to act in a manner consistent with safeguarding responsibilities, and to report boundary concerns through the appropriate safeguarding channels. The panel therefore considered that the public interest in maintaining public confidence in the profession was engaged in this case.

The panel was of the view that a strong public interest consideration in declaring and upholding proper standards of conduct in the profession was also present. The conduct found proved involved repeated and serious professional boundary failures and safeguarding-related omissions, which the panel considered to be outside that which could reasonably be tolerated from a teacher.

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 Smith in the profession.

Whilst there was evidence that Mr Smith had ability as an educator, the panel considered that the adverse public interest considerations identified above outweighed any public interest in retaining him in the profession. The panel found that his conduct involved serious and repeated failures to maintain proper professional boundaries with a pupil and a failure to act in accordance with safeguarding expectations, requirements and responsibilities. The panel considered that these matters seriously undermined the standards expected of a teacher and he sought to exploit 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 seeks to exploit 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 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 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 to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

- 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);

The panel noted the Advice in relation to online behaviours in which it states that panels should attach appropriate weight and seriousness to online behaviours including but not limited to: facilitating inappropriate relationships including both online-only relationships and where online relationships move into contact relationships. The panel considered that these included activities facilitated via social media and messaging.

The panel found that Mr Smith demonstrated a sustained failure to maintain proper professional boundaries with a pupil. The panel found that Mr Smith's inappropriate repeated breaches of professional boundaries were not confined to a single incident; it began during the School Trip, continued on the return flight including through physical and highly inappropriate contact and then continued after the trip through ongoing personal and overfamiliar messaging that the panel had found placed emotional pressure on Pupil A and contributed to her anxiety and distress. This raised the panel's concern that there was a continuing risk regarding Mr Smith's future conduct.

The panel also considered that the use of mobile messaging and retention of photographs on a personal device was significant because it enabled the relationship to continue outside the education setting and facilitated the inappropriate emotional support that Mr Smith professed he sought from Pupil A.

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 no evidence that Mr Smith's actions were not deliberate.

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

The panel was not provided with evidence about Mr Smith's teaching ability other than Pupil A stating he that he was a good teacher. The panel noted that Mr Smith had held a number of additional roles at the School, including management and leadership positions and participating in an overseas school trip as part of his extra-curricular involvement. However, there was no evidence before the panel that Mr Smith had demonstrated exceptionally high standards in his personal and professional conduct or that he contributed significantly to the education sector. The panel did not accept that it had been demonstrated that the incident was out of character.

The panel considered whether there were any other mitigating factors, including any demonstrations of insight and remorse.

The panel noted that in his written email dated 4 December 2023, Mr Smith reflected on his conduct by stating that he now recognised that his messages had at times been too friendly and over-familiar, and that he accepted he had *“got things wrong.”*

*“all I ever wanted to do was give everything every day as part of my job, I loved helping people and trying to solve their problems, that’s all I wanted to do and I’m so so sorry that it has ended up like this.”*

*“For 27 years all I’ve done is coach and teach sport, it was all that I was any good at, every day I tried my best and I just wanted to be a positive influence to everyone that I was coaching, the last three years have been the happiest of my life and I gave everything everyday...”*

The panel considered this showed some level of regret regarding his actions.

The panel also noted his statement that he had spent a significant period of time replaying events in his mind, that the situation was *“slowly destroying”* him, and that he felt his *“whole world had collapsed.”* [REDACTED]. The panel noted with concern that these statements demonstrated a level of personal distress but did not consider that they demonstrated insight.

The panel was concerned that Mr Smith had shown very limited insight into the seriousness of the dependency role reversal in his conduct, his repeated breach of professional boundaries and the consequences for Pupil A, the School and the profession of his actions.

In particular, the panel found that Mr Smith’s messages and interactions placed an inappropriate and wholly unacceptable emotional burden on Pupil A, including through discussions about his psychological state and suicidal thoughts during a school trip when he was responsible for her. The panel considered that Mr Smith’s written explanations did not demonstrate a sufficient appreciation of the impact of that conduct on Pupil A, or of why his apparent reliance on a pupil for emotional support was incompatible with a teacher’s safeguarding responsibilities.

As Mr Smith has himself acknowledged in connection with the matters found proven at Allegation 2, he was supposed to be supporting Pupil A when she was in a fragile emotional state. The panel saw no evidence that Mr Smith appreciated the potentially very serious consequences of his actions and the effect this could have on Pupil A’s [REDACTED].

The panel also noted that there was no evidence before it of steps taken by Mr Smith to develop insight, his understanding of maintaining proper professional boundaries, or to reduce the risk of repetition through relevant training or other professional support.

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 panel's concern about the seriousness of the matters which it had found proven to be unacceptable professional conduct and the very limited evidence of insight 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 also considered the seriousness of the findings made against Mr Smith, the extent to which any mitigation was present, the level of insight and remorse, and the risk of repetition when determining whether a review period would be appropriate. The panel found that, especially noting the lack of insight and the lack of any demonstrated action on Mr Smith's part to gain an understanding of the triggers of his actions and on their potential impact on pupils, there remained at this time a substantial risk of repetition.

The panel noted that, whilst Mr Smith had expressed some regret about the consequences of events, this did not amount to sufficient insight into the dependency and role reversal inherent in his conduct. The panel noted that the matters which it had found

proven were very serious and demonstrated, even taken at their very best, an intense naivety and lack of care on Mr Smith's part as to the consequences of his behaviour towards a child under his care.

The panel considered that it was clear that Mr Smith had repeatedly prioritised his own needs over that of the pupil including at a time when the pupil had little contact with her parents and when her teachers had sole responsibility for her care. In addition, Mr Smith's failed to comply with the requirements of his professional safeguarding obligations in reporting his inappropriate relationship with a pupil.

The panel again noted that it had seen no evidence of steps taken by Mr Smith to develop insight, demonstrate progress, or reduce the risk of repetition, such as relevant training, supervision or other professional support. The panel considered that a review period of three years would be appropriate in all the circumstances including to allow sufficient time for Mr Smith to recognise and address these matters.

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 of three 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 some of the allegations not proven (including allegations 5a, 5b and 6), and found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute (including allegations 4, 8 and 9). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Stuart Smith should be the subject of a prohibition order, with a review period of 3 years.

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 was satisfied that the conduct of Mr Smith involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel has found 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 findings of failing to maintain proper professional boundaries and to safeguard pupil wellbeing.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr 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 and safeguard pupils. The panel has observed:

“In the light of the panel's findings against Mr Smith, which involved his developing an over-familiar and inappropriate relationship with a pupil, engaging in clearly unacceptable physical contact with the pupil, sending personal and over-familiar messages and displaying emotional reliance on a pupil, retaining multiple photographs of the pupil on a personal device, and his failing to report the developing relationship to the designated safeguarding lead, there was a strong

public interest consideration in respect of the safeguarding and wellbeing of pupils.”

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 found that Mr Smith had shown “some level of regret regarding his actions” but it “was concerned that Mr Smith had shown very limited insight into the seriousness of the dependency role reversal in his conduct, his repeated breach of professional boundaries and the consequences for Pupil A, the School and the profession of his actions.” The panel has also found that “there was no evidence before it of steps taken by Mr Smith to develop insight, his understanding of maintaining proper professional boundaries, or to reduce the risk of repetition through relevant training or other professional support.”

In my judgement, the lack of 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 has observed:

“Similarly, the panel considered that public confidence in the teaching profession could be seriously weakened if conduct of the nature found proved against Mr Smith were not treated with the upmost seriousness when regulating the conduct of the profession. The panel considered that members of the public are entitled to expect teachers to maintain professional boundaries with pupils, to act in a manner consistent with safeguarding responsibilities, and to report boundary concerns through the appropriate safeguarding channels. The panel therefore considered that the public interest in maintaining public confidence in the profession was engaged in this case.”

I am particularly mindful of the findings that the teacher had failed to maintain clear professional boundaries and escalate safeguarding concerns in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, in the absence of a

prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Smith himself. The panel has commented:

“The panel was not provided with evidence about Mr Smith’s teaching ability other than Pupil A stating he that he was a good teacher. The panel noted that Mr Smith had held a number of additional roles at the School, including management and leadership positions and participating in an overseas school trip as part of his extra-curricular involvement. However, there was no evidence before the panel that Mr Smith had demonstrated exceptionally high standards in his personal and professional conduct or that he contributed significantly to the education sector. The panel did not accept that it had been demonstrated that the incident was out of character.”

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 seriousness of the misconduct, the lack of insight and the risk of repetition. The panel has said:

“The panel found that Mr Smith demonstrated a sustained failure to maintain proper professional boundaries with a pupil. The panel found that Mr Smith’s inappropriate repeated breaches of professional boundaries were not confined to a single incident; it began during the School Trip, continued on the return flight including through physical and highly inappropriate contact and then continued after the trip through ongoing personal and overfamiliar messaging that the panel had found placed emotional pressure on Pupil A and contributed to her anxiety and distress. This raised the panel’s concern that there was a continuing risk regarding Mr Smith’s future conduct.”

I have also noted that the panel found no evidence that Mr Smith’s actions were not deliberate and that he was acting under extreme duress.

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 insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3-year review period.

I have considered the panel's comments:

"The panel noted that, whilst Mr Smith had expressed some regret about the consequences of events, this did not amount to sufficient insight into the dependency and role reversal inherent in his conduct. The panel noted that the matters which it had found proven were very serious and demonstrated, even taken at their very best, an intense naivety and lack of care on Mr Smith's part as to the consequences of his behaviour towards a child under his care.

The panel considered that it was clear that Mr Smith had repeatedly prioritised his own needs over that of the pupil including at a time when the pupil had little contact with her parents and when her teachers had sole responsibility for her care. In addition, Mr Smith's failed to comply with the requirements of his professional safeguarding obligations in reporting his inappropriate relationship with a pupil.

The panel again noted that it had seen no evidence of steps taken by Mr Smith to develop insight, demonstrate progress, or reduce the risk of repetition, such as relevant training, supervision or other professional support. The panel considered that a review period of three years would be appropriate in all the circumstances including to allow sufficient time for Mr Smith to recognise and address these matters."

I have considered whether a 3-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. In this case, factors mean that allowing a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found proven, the lack of insight, and the risk of repetition.

I consider therefore that a 3-year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Stuart Smith 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 2029, 3 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 Smith remains prohibited from teaching indefinitely.

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

Mr Stuart 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 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 20 April 2026**

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