



Teaching
Regulation
Agency

Mr David Baxter: Professional conduct panel outcome

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

July 2026

Contents

Introduction	3
Allegations	4
Summary of evidence	7
Documents	7
Witnesses	7
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	53
Decision and reasons on behalf of the Secretary of State	60

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

Teacher: Mr David Baxter

Teacher ref number: 1064236

Teacher date of birth: 30 January 1990

TRA reference: 20989

Date of determination: 29 July 2026

Former employer: Great Clacton Church of England Junior School, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 July to 21 July 2025, 9 February 2026 to 16 February 2026, 24 February 2026, 7 April 2026 and 28 to 29 July 2026 by way of a virtual hearing, to consider the case of Mr David Baxter.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Amanda Godfrey (teacher panellist) and Ms Debra Vaughan (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Zahra Evans of Capsticks LLP solicitors.

Mr Baxter was present and represented by Miss Maria Aisha of Cornwall Street Chambers.

The hearing took place in in public save that portions of the hearing were heard in private and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 March 2025.

It was alleged that Mr Baxter was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Great Clacton Church of England Junior School (“the School”):

1. During the 2021/22 academic year, he failed to maintain appropriate professional boundaries with Pupil A, and/or displayed favouritism towards Pupil A, in one or more of the following ways: -
 - a. by spending time alone with Pupil A on one or more occasions, namely:-
 - i. in “[REDACTED]”;
 - ii. during breaks and/or lunchtimes;
 - iii. after school;
 - b. by allowing Pupil A to have, or providing Pupil A with food and/or drinks and/or equipment in circumstances where other pupils were not permitted the same, namely by:-
 - i. allowing Pupil A to have biscuits and/or milkshakes which were kept in the classroom;
 - ii. providing Pupil A with lunch and/or a fizzy drink and/or Jaffa cakes during a school trip in March 2022;
 - iii. providing Pupil A with access to an iPad on the way back from a school trip in March 2022;
 - iv. allowing Pupil A to get, and/or providing Pupil A with, breakfast and/or a sausage roll on the way back from a school trip in June 2022;
 - v. allowing Pupil A to have a ball during “brain breaks”;
 - c. by engaging in physical contact with Pupil A on one or more occasions, namely by:
 - i. putting his arm around Pupil A whilst [Pupil A] was sitting next to him on the coach during a school trip in March 2022;

- ii. allowing Pupil A to rest his head across [Mr Baxter's] chest and/or on [Mr Baxter's] shoulder whilst Pupil A was sitting next to Mr Baxter on the coach during a school trip in March 2022;
 - iii. rubbing and/or patting Pupil A's back when Pupil A was lying in bed without a top on during a school trip in June 2022;
 - iv. rubbing Pupil A's side on one or more occasions during a school trip in June 2022;
 - v. putting his arm around and/or hugging Pupil A on one or more occasions in the "snug" area and/or in [REDACTED];
- d. during lessons and/or in relation to the [REDACTED], namely by:
- i. accompanying Pupil A during "brain breaks", when other pupils would be accompanied by a learning support assistant;
 - ii. appointing Pupil A as a [REDACTED] helper;
 - iii. allowing Pupil A to attend [REDACTED] with him more frequently than other pupils in his class;
- e. during a school trip in June 2022, by:
- i. allowing Pupil A to sleep in Mr Baxter's bed on one or more occasions;
 - ii. giving Pupil A Mr Baxter's hoodie to sleep with;
 - iii. offering Pupil A Mr Baxter's aftershave and/or allowing Pupil A to use his aftershave;
 - iv. taking breakfast to Pupil A when he did not come to eat with other pupils and staff;
 - v. asking / inviting Pupil A to hug Mr Baxter on one or more occasions;
 - vi. allowing Pupil A to go to the games room without supervision on one or more occasions;
 - vii. taking one or more videos of Pupil A completing a climbing activity in circumstances where Mr Baxter did not take videos of any other children;

- viii. failing to address Pupil A's behaviour on one or more occasions and/or undermining the attempts of other staff to address Pupil A's behaviour;
2. On one or more occasions between March and June 2022 he had one or more inappropriate discussions with Pupil A and/or his parents, namely by telling Pupil A and/or his parents that:
- a. members of staff were being "horrible" to Mr Baxter and/or were leaving him out;
 - b. he felt uncomfortable going into the staffroom;
 - c. he was being investigated;
 - d. he had an envelope with his resignation in and/or were printing out his resignation letter;
 - e. he was going for a job interview at Clacton County High School;
 - f. he had been offered a job at Clacton County High School;
 - g. he was worried about going on the school trip in June 2022;
3. He behaved in one or more of the ways set out at 1 and/or 2 above despite being given safeguarding advice and/or guidance on or around 21 March 2022, following concerns being raised about his relationship with Pupil A.

At the outset of the hearing, Mr Baxter made partial admissions as follows. Mr Baxter admitted the facts alleged at allegation 1ai., 1aiii (insofar as it related to Lego), 1bi, 1bii (insofar as the allegation concerned Jaffa cakes), 1biii, 1biv, 1bv, 1ci, 1cii (insofar as the allegation related to the shoulder), 1cv, 1di, 1diii (to the extent that it was the effect of a decision taken by someone else), 1ei, 1eii, 1eiii, 1eiv, 1ev, 1evii.

To the extent Mr Baxter admitted the facts alleged within allegation 1, he denied that he had displayed favouritism towards Pupil A.

To the extent Mr Baxter admitted the facts alleged within allegation 1, he admitted that he had failed to maintain appropriate professional boundaries with Pupil A in respect of allegation 1aiii, 1ci, 1cii, 1ei, 1eii, 1eiii, and 1ev. Mr Baxter otherwise denied that he failed to maintain appropriate professional boundaries in respect of the facts he had admitted in allegation 1.

Mr Baxter denied allegations 1aii, 1ciii, 1civ, 1dii, 1evi and 1eviii in their entirety.

Mr Baxter admitted allegation 2 in its entirety.

Mr Baxter admitted allegation 3 to the extent of having received safeguarding advice and/or guidance on one occasion only.

Mr Baxter denied his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Some of Mr Baxter’s admissions changed in the closing speech made by his representative.

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 6 to 8

Section 2: Notice of Referral, Notice of Proceedings and responses – pages 9 to 29

Section 3: Teaching Regulation Agency witness statements – pages 30 to 104

Section 4: Teaching Regulation Agency documents – pages 105 to 573

Section 5: Teacher documents – pages 574 to 807

In addition, the panel agreed to accept a letter from Mr Baxter’s [REDACTED] dated 2 July 2025, relied upon in Mr Baxter’s application to exclude the public from the hearing and for Mr Baxter to be accompanied by a supporter. During the course of the evidence, the panel also agreed to accept a document setting out the number of beds in each room at the hostel used for the School’s four-night residential trip to [REDACTED] in June 2022 (“[REDACTED]”), as well as the number of children allocated to each room.

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

In 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]

Witness B - [REDACTED]

Witness C – [REDACTED]

Witness D – [REDACTED]

Witness E – [REDACTED]

Witness F - [REDACTED]

Witness G – [REDACTED]

Witness H – [REDACTED]

Witness I – [REDACTED]; and

Witness J – [REDACTED]

Mr Baxter also gave oral evidence to the panel.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Baxter commenced employment as a teacher at the School on 1 September 2018. At the time of the allegations, he was employed as a year 6 teacher and forest school lead for all pupils in the School.

On 18 March 2022, there was a school trip to [REDACTED]. On 6 – 10 June 2022, Mr Baxter, his year 6 class, other pupils and school staff attended the [REDACTED] Trip. Following their return from the trip, Mr Baxter was suspended from his role whilst an investigation was carried out.

On 15 July 2022, a disciplinary hearing was held and Mr Baxter was dismissed from his role.

Mr Baxter was referred to the TRA on 22 July 2022.

Findings of fact

In considering the issue of whether Mr Baxter failed to maintain appropriate boundaries with Pupil A or whether he displayed favouritism towards Pupil A in allegation 1 below, the panel had regard to the documentation surrounding the support available for Pupil A, which consisted of: [REDACTED]

[REDACTED]

What was clear to the panel from the evidence it heard was that there was a lack of clarity as to what was required from the documentation, and also that the documentation had not been properly communicated to all staff members who needed to know the information. For example, Witness C stated that she had never seen Pupil A's [REDACTED] and was not fully familiar with [REDACTED] which was shared at the beginning of term, but they changed every five or six weeks and there was no meeting held to go through them all. Similarly, Witness I stated that she had no involvement in Pupil A's [REDACTED] and had not seen the documentation, although she was involved in his [REDACTED]. In the absence of complete information regarding Pupil A's provision, other staff members were left without a complete understanding of whether what they were observing was part of the measures in place for Pupil A or exceeded them.

The panel considered that the reference to “appropriate professional boundaries” was a reference to the cultural and professional limitations, at a given time, that exist between a teacher and child, and which were understood by parents, pupils and staff as being appropriate to the professional role of a teacher.

In considering the issue of displaying favouritism towards pupils in allegation 1, the panel had regard to the meaning of favouritism as being the practice of giving special treatment to a person or group. The panel accepted that it would not be favouritism to give everyone what they need to achieve success. Therefore to the extent Mr Baxter's treatment of Pupil A was in line with his [REDACTED] this would not be favouritism. If the special treatment provided to Pupil A exceeded that provided for in Pupil A's [REDACTED], and that special treatment was not also given to other pupils in the class, the panel considered that would constitute favouritism.

The findings of fact are as follows:

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

Whilst employed as a teacher at Great Clacton Church of England Junior School (“the School”):

- 1. During the 2021/22 academic year, you failed to maintain appropriate professional boundaries with Pupil A, and/or displayed favouritism towards Pupil A, in one or more of the following ways: -**
 - a. by spending time alone with Pupil A on one or more occasions, namely:-**
 - iii. after school**

Mr Baxter admitted the facts alleged but only in respect of having spent time alone with Pupil A after school when engaged in building Lego together. Mr Baxter admitted that, in doing so, he failed to maintain professional boundaries with Pupil A but denied that he displayed favouritism to Pupil A.

Witness A stated that, on 21 March 2022, in a meeting with Witness J, and the Head of School she became aware of a concern that had been raised by Witness B with the Head of School regarding Mr Baxter's conduct towards Pupil A on the [REDACTED] Trip. She stated that she believed Witness B had also made a comment that Mr Baxter "kept Pupil A back to build Lego together". Witness A stated that it was agreed that she would speak with Mr Baxter about the concerns raised, once the school day had finished.

Witness A stated that she went to Mr Baxter's classroom at around 15:30 and saw Mr Baxter and Pupil A sitting on the floor, building Lego. She stated that she was taken aback that Mr Baxter was with Pupil A on his own, and also because they did not know that Pupil A was there. She stated that, if a child is not collected at the end of the School day, the child is taken to the after-school club as soon as the gate had closed. Witness A spoke with Witness J and received instruction that Pupil A should go to after-school club in order that the conversation with Mr Baxter could take place.

Witness A stated that, in addition to discussing the [REDACTED] Trip, she had discussed what she had seen of Mr Baxter playing Lego with Pupil A. She stated that she thought Pupil A and Mr Baxter had referred to their playing with Lego as a "Lego Club".

Witness A confirmed that there was a process for running an after-school club which involved obtaining permission from Witness J, advertising the club to the whole school and having more than one child there. She stated that the club had not been set up as after-school clubs should have been. She stated that she had never known a teacher to run a club after school for just one pupil, and for no one to know the pupil was there. In oral evidence, Witness A clarified that in order to run an after-school club, the teacher would have a conversation with Witness J as to what the club was and how it would be run. She stated that not all clubs are offered to all pupils but might be offered to a year group to which the club was relevant, and the parents of those children would receive a parental communication about it.

Witness A stated that Mr Baxter had said that Pupil A's [REDACTED] had said it was "okay" for Pupil A to stay after school.

Witness D stated that Pupil A had stayed an hour after school until around 15:45 to finish off the Lego set they were working on together and Pupil A's parents collected Pupil A afterwards. She stated that she knew how late Pupil A stayed to finish the Lego because pupils typically left after school club around 16:00 and 17:00, so on one occasion, when she went outside, she saw Pupil A's parents. She stated that she radioed Mr Baxter to confirm that she would take Pupil A to his parents, but Mr Baxter insisted that he do so.

Witness I stated that she reported to Witness A a concern that Mr Baxter was keeping Pupil A in the classroom after school to make Lego models with no other staff members present, which made her feel uncomfortable. She stated that she noticed this when she forgot something in the classroom and went back not long after 15:00 and saw Mr Baxter and Pupil A on the floor making Lego. She asked, “oh what are you guys up to” and she thought they had shown her a plane as they were learning about World War 2 in class. She stated that she had asked “Is it just you?” and Mr Baxter had said “yes but that were always people walking past”. She stated that Mr Baxter told her that Pupil A’s parents had given him permission for Pupil A to do “Lego club”.

Mr Baxter stated that there were two after-school Lego sessions with Pupil A, and that he accepted that he had acted “stupidly”. He stated that this was never intended to be a club in the sense of it running on a long-term basis. He stated that he allowed Pupil A to stay behind, with his [REDACTED] permission, on two occasions in order to complete the model he was building so that it was ready for the “Celebration of our Learning” event to which parents had been invited. He stated that he was wrong and should not have done this without the permission of the School. He also acknowledged that he should have allowed others to stay, especially as Pupil A was not the only pupil involved in building the Lego model.

The panel considered that it had been proven that Mr Baxter had spent time alone with Pupil A after School on one or more occasions, for the purpose of completing the Lego model. The panel considered that this was a failure to maintain appropriate boundaries, since the School was unaware of the arrangement. Furthermore, the panel considered that Mr Baxter had displayed favouritism towards Pupil A since he had not asked other pupils to participate despite Pupil A not having been the only pupil involved in building the Lego model.

The panel found this allegation proven.

b. by allowing Pupil A to have, or providing Pupil A with food and/or drinks and/or equipment in circumstances where other pupils were not permitted the same, namely by:-

i. allowing Pupil A to have biscuits and/or milkshakes which were kept in the classroom;

Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

Witness C stated that Mr Baxter taught her [REDACTED] before Witness C came to be employed at the School. She stated that the mums had felt that Mr Baxter favoured the misbehaving pupils.

When she began employment at the School, she noticed that Mr Baxter did not spread his attention equally across the class and that the pupils who misbehaved the most had the most attention and quieter pupils who needed more help did not get as much attention.

She stated that she had noticed that Mr Baxter would show favouritism towards Pupil A. She stated that she was in Mr Baxter's classroom around once or twice a week. She stated that the classroom she spent most of her time in was directly opposite Mr Baxter's class so she would "pop" into his class to borrow a form or Chromebook. In oral evidence, Witness C stated that she was mostly in Mr Baxter's classroom in the morning for about three hours, but if he needed support, she could be there in the afternoon as well.

She stated that she saw, at least once a week, that Pupil A had his lunch on his desk with a "really nice looking milkshake and that he was allowed to eat his lunch, crisps and biscuits on his desk whereas other pupils had to wait until break time or lunch time to eat. She stated that none of the other pupils were allowed their lunch on their table. She stated that she assumed that Pupil A was eating from Mr Baxter's supplies as she never saw Pupil A bring food in. She stated that Pupil A helped himself freely to biscuits in the classroom in front of all of the other pupils. She also stated that she saw Pupil A help himself freely to flavoured milkshakes and whipped cream from the fridge in Mr Baxter's room. She stated that when Pupil A helped himself to snacks and drinks, it was not questioned by Mr Baxter, even though none of the other pupils in Mr Baxter's class tried to help themselves. In oral evidence, Witness C stated that Pupil A would help himself to food two or three times a week, whether that was a milkshake, biscuits or his own packed lunch.

In oral evidence, Witness C explained that there was a milkshake factory to be used as a treat for the pupils who were on the "winning table" at the end of the week. She stated that Pupil A just helped himself, at least three times a week. In response to a question asked by Mr Baxter's representative, Witness C stated that Pupil A was helping himself to biscuits, or the milkshake or the cream on top or his own lunch two or three times a day. In re-examination, Witness C clarified that she had understood she was responding to how many times this had occurred each week. She clarified that with respect to milkshakes and biscuits, he might have "four one time and one the next" so it was difficult to say an exact amount.

In oral evidence, Witness C stated that the biscuits would have been on the side, or in a cupboard, as they had a meeting each Friday with the children to discuss the week and they would all have a biscuit.

Witness C stated in oral evidence, other pupils could have helped themselves to food but they did not. Therefore, she had never witnessed an occasion when another pupil tried to

obtain a milkshake or biscuit and had been told off or stopped by Mr Baxter. She did, however, hear children question why Pupil A could have a biscuit and they could not and Witness C described this as having been “brushed off”. She stated that she would not have responded and Mr Baxter would have not directly answered them, and they would have continued what they were doing.

Witness C also confirmed that she had not raised her concerns with anyone about this until after concerns were raised regarding the [REDACTED] Trip. She stated, in oral evidence, that she had not reported this, as she was not the only adult working there and when you are busy, it seemed quite minor.

Witness C stated that she did not know whether there was any agreement with Pupil A’s parents regarding this, and she did not know Mr Baxter’s pupils very well. Witness C confirmed in oral evidence that she had little knowledge of Pupil A’s needs. [REDACTED]

In oral evidence, Witness C stated that when Mr Baxter had taught her [REDACTED], he had made comments to the effect that Mr Baxter would favour the “naughtier” children but clarified that this had not really impacted her [REDACTED] directly. She stated that from her perspective as a [REDACTED], she did not feel that Mr Baxter’s time was shared equally with the other children. She stated that she did not see the same time, care or nurture being given to any other child who may have needed it or benefitted from it in some way.

Witness I stated that there were biscuits in the cupboard which would be given to pupils on a Friday after they had picked something they were proud of that they had done during the week. She stated that Pupil A helped himself to biscuits “probably every day”. She also stated that there was a milkshake reward system in the classroom, referred to as the “milkshake factory”. She stated that whichever team won could choose to have a treat either from a reward pot or to have a milkshake. She stated that on two or three occasions, Pupil A was allowed to have a milkshake even if his team had not won. Witness I stated that one of the pupils had asked her once why Pupil A was allowed to eat, and the other pupils did not and she told them that it was Pupil A’s [REDACTED]. Witness I stated that this was what she had been told by Mr Baxter.

Witness E stated that [REDACTED]. She stated that the School promoted that children should not take without asking, and that the pupils were very good at following this.

The panel considered that Witness I and Witness C corroborated each other that Pupil A had been allowed to have biscuits which were kept in the classroom. The panel reviewed [REDACTED] (as stated by Witness C in oral evidence).

Whilst there was no evidence of other pupils having been refused a biscuit, there was evidence of pupils questioning why Pupil A was allowed a biscuit and they were not. The panel considered that it followed that there must have been a reason why other pupils

believed they were not allowed a biscuit. The panel therefore considered that it was more probable than not that Pupil A was allowed to have biscuits where other pupils were not permitted the same.

Mr Baxter confirmed in oral evidence that only one voucher would be given as a reward from the “Milkshake Factory”, and that was only if the pupil chose the milkshake rather than an item for the reward pot. He also confirmed that this would only be given to the pupils in the team who won that week’s competition. He stated that pupils could choose to drink the milkshake then or choose to keep their voucher to use the following week. Since Witness C was aware of the milkshake factory, she would have known if the amount of milkshakes Pupil A had was in line with that he was entitled to under the reward scheme. The panel therefore considered that Pupil A was allowed to have milkshakes and that he did so when other pupils were not permitted the same, as they were dependent on having a voucher to receive them.

The panel considered that this was a failure to maintain appropriate boundaries, since Pupil A should have been restricted to having access to [REDACTED] for which he had been awarded a voucher. The panel also considered that Mr Baxter displayed favouritism towards Pupil A since he was allowed access to a benefit which was restricted for other pupils in the class.

The panel found this allegation proven.

iv. allowing Pupil A to get, and/or providing Pupil A with, breakfast and/or a sausage roll on the way back from a school trip in June 2022;

Mr Baxter admitted that the facts alleged in respect of the sausage roll but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A, and/or that he displayed favouritism towards Pupil A.

Witness D signed a written account of information she provided to Witness A as part of the School’s investigation. This was signed by Witness D on 4 July 2022. It stated that on the way home from the residential trip, there was a stop at the services, and the children had been told that no one was buying anything as they all had a packed lunch to eat on the coach, and they would be arriving back at school just after lunchtime. She stated that Mr Baxter took Pupil A off to buy a sausage roll which he ate in front of lots of the other children.

Witness D stated in her witness statement prepared for the TRA’s misconduct proceedings that, as the pupils were getting ready to leave the residential trip, some staff members including Witness E, Witness B and Mr Baxter discussed that pupils would not be allowed to spend their money at the service station and that this rule was relayed to

pupils when everyone got on the coach. Witness D stated that when they arrived at the service station, she thought that Mr Baxter had bought Pupil A a sausage roll.

In oral evidence, Witness D was asked how she knew that Mr Baxter had bought the sausage roll and she initially answered that Pupil A was telling everyone this. She stated that she did not know who had bought the sausage roll, but that she had seen Pupil A eating it. Witness D was asked about this by the panel and she could not remember exactly what Pupil A had said. She stated that other children had been told they were not allowed to buy anything and yet Pupil A was showing the other children what he had.

Witness E stated in her witness statement for the TRA's misconduct proceedings that she had purchased a bottle of water for one of the pupils who had not had a drink and that she had discussed this with other members of staff and confirmed she would inform the pupils' parent. She stated that Mr Baxter bought Pupil A breakfast, but had not spoken with anyone about doing so, nor did he buy food for any of the other pupils. She stated that she knew that Mr Baxter had bought Pupil A's breakfast because Pupil A had said earlier that he did not have any money left. She stated that she challenged Pupil A when she saw him walking back to the coach with food and Pupil A said that Mr Baxter had got him breakfast. The panel considered it more likely than not that Witness E was referring to the sausage roll as being the breakfast, rather than there being a breakfast item in addition to the sausage roll.

In oral evidence, Witness E distinguished her purchase of a bottle of water from the actions of Mr Baxter, because she had sought to meet a basic need, and the child had spent their money. She stated that she had discussed this with the trip leader and other staff and that she contacted the pupil's parent and obtained their consent to purchase the water as she did not want to cross an inappropriate boundary.

She stated that Pupil A was telling everyone that Mr Baxter had bought him breakfast, and she knew that Pupil A didn't have any money as she had had that discussion with Pupil A the previous day when Pupil A had wanted to buy something in a shop.

Mr Baxter stated that on the morning of the return journey Pupil A had not attended breakfast and that in the whole week, Pupil A had only attended breakfast on one occasion. He stated that, on the return journey, Pupil A had become "hangry" and "antsy", "kicking the chair in front". He stated that he could tell that Pupil A was very tired, having not been sleeping well, given the disturbances there had been in the nights, and he needed something to eat. He stated that Pupil A did not like the packed lunch he had been given and had not had breakfast.

Mr Baxter stated that he had not been part of any conversation between Witness E and Witness B about not allowing any child to buy anything at the services. He also stated that there was no guidance in place as to what should be done if Pupil A missed his breakfast. However, knowing that Pupil A was allowed to eat his lunch in class,

[REDACTED] and given that Pupil A's behaviour was deteriorating, he sought to source him food. He stated that it would have been unfair for a child [REDACTED] not to have the [REDACTED] made available to him. He stated that he discussed this with Witness D and he thought Witness G, and whilst they were taking the children back to the coach, he stopped at an "eatery" to allow Pupil A go and get some food. He stated that, after this, Pupil A's behaviour improved, he settled down and joined the children eating their lunches on the kerb outside. He stated that Pupil A's money had been used to buy the sausage roll.

The panel considered that Mr Baxter had allowed Pupil A to get and/or provided Pupil A with a sausage roll on the way back from the [REDACTED] Trip where other pupils were not permitted the same. It was not relevant to the panel's considerations who had paid for the sausage roll.

The panel had regard to the [REDACTED] and the panel accepted that providing Pupil A with food was supported by [REDACTED]. The panel also noted that, in loco parentis, on a School trip, there was a need to take action if Pupil A became hungry. However, the panel considered that there was a distinction between the plain nature of the supplemental items that the School would provide and a sausage roll. The panel considered that a sausage roll was an indulgence, and essentially rewarded Pupil A for his poor behaviour in not attending breakfast. Since the provision of a sausage roll was not an appropriate response, the panel considered that it was proven that this was a failure to maintain appropriate boundaries.

Since other children were not permitted to purchase items from the service station, the panel considered that Pupil A had had special treatment over and above [REDACTED]. The panel therefore found it proven that Mr Baxter had displayed favouritism towards Pupil A in allowing Pupil A to have or providing Pupil A with breakfast or a sausage roll.

The panel found this allegation proven.

c. by engaging in physical contact with Pupil A on one or more occasions, namely by:

i. putting your arm around Pupil A whilst he was sitting next to you on the coach during a school trip in March 2022;

Mr Baxter admitted the facts alleged and admitted that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A but denied that he displayed favouritism to towards Pupil A.

Witness B stated that on the return journey home from the [REDACTED] Trip, when it was nearing the time they had to disembark, she went to the back of the coach to see Mr Baxter to discuss how they were going to disembark the pupils. She stated that

Mr Baxter was sat at the back of the coach, where there was room for around six people. She stated that he was sitting with a group of pupils and Pupil A was sat next to Mr Baxter. She stated that Pupil A's head was resting across Mr Baxter's chest and Mr Baxter had his arm around Pupil A. She stated that Pupil A had appeared awake for at least some of the journey back, but she did not know if Pupil A was awake when she spoke with Mr Baxter. Witness B stated that she returned to her seat at the front of the coach, but that she was aware that Mr Baxter and Pupil A were sat in that position for "quite a while" because she kept turning around to look. She stated that she felt uncomfortable and was therefore being more vigilant. The following morning, Witness B spoke with [REDACTED] (Person K) about her concerns about how Mr Baxter and Pupil A were sitting at the back of the coach. She stated that she did not think that there was anything untoward but that it was not something she would have done. She stated that if she had had a pupil falling asleep on her, she would have tried to gently push them to one side and moved them slightly away.

Witness B provided a statement for the purpose of the School's investigation. This stated that Pupil A was lying across Mr Baxter with his head resting on his chest, and that Mr Baxter had his arm around Pupil A. It was recorded that Witness B has stated that they were sitting like that for quite some time and that Pupil A was awake for at least some of the time.

In oral evidence, Witness B described Pupil A as sitting on the back seat with the aisle directly in front of him and Mr Baxter was to his left. She stated that her seat was at the front, within the first three or four rows. She stated that Pupil A appeared asleep as he had his eyes closed. When she spoke with Mr Baxter, she could not remember if Pupil A was awake or asleep since she was focussed on speaking with Mr Baxter and preventing herself from falling over. She did not know if Pupil A was wearing a seat belt but stated that she hoped that he would have been.

Witness C stated that she saw Pupil A resting his head on Mr Baxter's chest on the return journey but she could not recall if Mr Baxter had his arm around Pupil A. She stated that when she saw Pupil A resting his head on Mr Baxter's chest, Pupil A's eyes were open and he appeared quite relaxed as he was playing on the iPad. The panel considered that Witness C's evidence was credible. She had not sought to elaborate her evidence, and had been clear that she could not recall if Mr Baxter had had his arm around Pupil A.

Witness E stated that following the [REDACTED] Trip, she became concerned about Mr Baxter's wellbeing and spoke with Person K. She stated that after that conversation, she thought Mr Baxter had worked out that Witness B and Witness C had complained about his actions on the [REDACTED] Trip. She stated that she told Mr Baxter that the staff were only thinking about his wellbeing and ensuring that he did not put himself in a vulnerable position. She stated that she had asked Mr Baxter whether there was anything he did that somebody could have seen as being inappropriate. She stated that Mr Baxter

replied, “well I was sat at the back and Pupil A – there was an issue with Pupil A – and I put my arm around him”. She stated she had asked him what a third party might say if they saw that, and that Mr Baxter had responded that he could see what she was saying.

Witness A referred to her conversation with Mr Baxter on 21 March 2022 when she discussed the concerns that were raised about Mr Baxter’s relationship with Pupil A. She stated that she told Mr Baxter about how he had been sitting with Pupil A on the coach and Mr Baxter appeared quite taken aback and said, “I tried to shrug him off”, which she described as being Mr Baxter’s exact words.

Mr Baxter stated that, at one point on the return journey, Pupil A had started to fall asleep and rested his head on Mr Baxter’s shoulder. He stated that although Pupil A had his seat belt on, as Pupil A was sat in the middle seat of the back row, he put his arm around Pupil A, in case the coach braked sharply. He stated that, on reflection, he should not have allowed a child to sit in the middle seat of the back row of the coach for this reason, and that he would not do this in the future. He stated that he acknowledged that having his arm around Pupil A and Pupil A’s head on his shoulder was clearly open to misinterpretation and he should have avoided both.

The panel found it proven that Mr Baxter had put his arm around Pupil A whilst they were sitting on the coach.

The panel considered that if Mr Baxter had put his arm around Pupil A to stop Pupil A from falling, this would have only needed to be a brief contact. The panel also noted that Witness B had described Mr Baxter and Pupil A as sitting in that manner for some time, during which, at least for some of the time Pupil A had been awake. Whilst Witness C could not confirm if Mr Baxter’s arm had been around Pupil A, she corroborated that Pupil A had been awake when he rested his head on Mr Baxter’s chest. There would have been no need to stop Pupil A from falling when Pupil A was awake. The panel noted that Witness E who reported what Mr Baxter had told her about the way they were sitting also supported Mr Baxter having been sat with his arm around Pupil A, and that Mr Baxter had not elaborated as to why he had done this, other than saying that there was an “issue with Pupil A”.

The panel considered that it was more likely than not that Mr Baxter had put his arm around Pupil A for longer than would have been necessary to prevent Pupil A from falling. There were other options available to Mr Baxter such as waking Pupil A had he fallen asleep, or swapping seats with Pupil A. The panel formed the view that it was more likely that it had been reassuring to Mr Baxter for him to have his arm around Pupil A, rather than it having been necessary for Pupil A’s own safety. The panel considered that Mr Baxter had failed to maintain appropriate boundaries by putting his arm around Pupil A.

The panel did not consider that Pupil A had received any advantage or special treatment from Mr Baxter by him having put his arm around Pupil A. The panel did not therefore consider that Mr Baxter had displayed favouritism towards Pupil A in doing so.

The panel found this allegation proven with respect to their having been a failure to maintain appropriate boundaries, but not that Mr Baxter had displayed favouritism towards Pupil A.

ii. allowing Pupil A to rest his head across your chest and/or on your shoulder whilst he was sitting next to Mr Baxter on the coach during a school trip in March 2022

Mr Baxter admitted the facts alleged insofar as they related to allowing Pupil A to rest his head on Mr Baxter's shoulder only and admitted that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A but denied that he displayed favouritism towards Pupil A.

Witness C gave evidence regarding the return journey from the [REDACTED] School Trip. She stated that she saw Mr Baxter and Pupil A seated side by side at the very back of the coach on the long seat. Witness C stated that she had been sat on the aisle side towards the middle of the coach. She stated that she saw how Mr Baxter and Pupil A were seated as she had to keep getting some lively pupils towards the back of the coach to sit nicely. She stated that when they were about half-way through the journey, she got up to check on the pupils around her and collect rubbish when she noticed Pupil A resting his head on Mr Baxter's chest. She stated that Pupil A's eyes were open and he was playing on the iPad. She stated that they were in that position for at least 10 minutes as when she checked on the pupils around 10 to 15 minutes later, they were still in the same position. In oral evidence, she described Pupil A's head as being "almost like on the breast area of a woman".

Witness C stated that she did not report this as she had to leave to [REDACTED] and did not believe she was the only one that had seen this.

In oral evidence, Witness C stated that although it was possible Pupil A had leaned on Mr Baxter's shoulder, her recollection was that it was Mr Baxter's breast area as she had found the position to be "comfortable, intimate". Witness C stated in oral evidence that she could see where Mr Baxter and Pupil A were sat because there was nothing obscuring her view. She stated that she was sat mid-way down the coach, on an aisle seat on the opposite side to the driver and that she had to keep turning around to ask the children to keep the noise down. Witness C also stated that there had been around 8 seats on the back row of the coach, and although other evidence indicated this was a lower number, the panel did not consider that detracted from her evidence since her attention would not have been focussed on the number of seats there were, but rather something that was causing her discomfort.

As referred to above, Witness B stated that Pupil A's head was resting across Mr Baxter's chest. Witness B's evidence had remained consistent, as she provided the same description during the course of the School's investigation. Witness A also provided an account of her conversation with Person K to whom Witness B had reported her concern. She stated that Person K had told her that Witness B had said that Pupil A was resting his head on Mr Baxter's chest, and that Mr Baxter had his arm around Pupil A.

Mr Baxter stated that, at one point on the return journey, Pupil A had started to fall asleep and rested his head on Mr Baxter's shoulder.

Given that Witness B and Witness C both described Pupil A's head having rested on Mr Baxter's chest, the panel found that this had occurred, and that given the movement of the coach, it was entirely possible that Pupil A's head had moved between Mr Baxter's shoulder and chest.

Mr Baxter could have moved away so that this was not the case or told Pupil A to sit up properly. There were other options available to Mr Baxter than allowing Pupil A to lean on him in this manner. The panel considered that Mr Baxter had failed to maintain appropriate boundaries by allowing Pupil A to do this.

It appeared to have been Pupil A's preference to put his head on Mr Baxter's chest and/or his shoulder. By allowing Pupil A to maintain this position, Mr Baxter provided him with special treatment for Pupil A's own comfort over and above that received by other pupils. The panel considered that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation proven.

iv. rubbing Pupil A's side on one or more occasions during a school trip in June 2022;

Mr Baxter denied this allegation.

Witness D stated that, at some time during the middle of the [REDACTED] Trip, the pupils had some free time at the accommodation after returning from an excursion. She stated that she was outside with the pupils, supervising them. She stated that as Pupil A and Mr Baxter were going into the building where the dormitories were, she saw Mr Baxter chatting to Pupil A and saw Mr Baxter's arm around Pupil A and under Pupil A's arm. She stated that she saw Mr Baxter rubbing Pupil A's side from just below Pupil A's armpit down to Pupil A's hip. She stated that Pupil A did not seem upset and they were chatting like they were having a normal conversation. She stated that Pupil A typically showed his emotions, so it would have been obvious if Pupil A had been upset. She stated that she believed that this was seen by another member of staff, but she could not recall who. She stated that she saw Mr Baxter rub Pupil A in this way more than once, and at least twice, albeit she could not recall the circumstances of the second

occasion that it happened. She stated that it was part of her role to support pupils and be there for them socially and emotionally, and if a child was upset, she would rub the top of a pupil's shoulder or from their shoulder down to their arm, and she could not see any reason to rub a pupil's side.

In oral evidence, Witness D explained that she had been about one to two cars' length away from them and that this had occurred for the duration of Mr Baxter and Pupil A's conversation.

Witness H stated that, during the [REDACTED] Trip she had been standing outside the hostel where the pupils and staff were staying and was watching the pupils playing around her on the grass area. She stated that she saw Mr Baxter standing outside with Pupil A in front of the dining hall area. She stated that they were standing side by side and she and Mr Baxter were facing each other, although not looking at each other, or close enough to be in talking distance. She stated that there were pupils running around in the space between them. She stated that she saw Mr Baxter rubbing up and down Pupil A's side and it made her feel uncomfortable. She stated that Mr Baxter's hand went up to around two inches below Pupil A's armpit where Pupil A's ribcage was and down to Pupil A's waist area. She stated that this was not a continuous motion, but that Mr Baxter's hand had been on Pupil A for two to three seconds. She could not remember if they were talking. She stated that it was not a teacher's responsibility to "parent pupils by using tactile means of affection".

Witness H provided a statement for the School's investigation in which she stated that Mr Baxter had his arm around Pupil A with his hand on Pupil A's side and he was rubbing up and down Pupil A's side. She stated that it was "very tactile and watching this made me feel uncomfortable".

In oral evidence, Witness H described having been about two to three car lengths away. She could not recall if there were any other staff members there, nor could she remember if she reported this. She stated that she remembered being "drawn to his hand movement".

Mr Baxter stated that he did not recall this happening. He stated that when Pupil A was upset, agitated or annoyed at the different rules put in place by multiple staff members he often came to him to vent his frustrations. He stated that he offered side hugs to reassure him and to encourage him to join in with the activities. He stated that sometimes these were accepted, and sometimes they were not.

Witness J described side hugs in the course of her oral evidence. She stated that they are always initiated by the child, and the teacher should never have their arms open. She stated that it would involve a hand being placed on the shoulder of the child.

The panel noted that the accounts of Witness D and Witness H were very similar and considered that it was more likely than not that Mr Baxter had rubbed Pupil A's side on one or more occasion during the [REDACTED] Trip. The panel noted that the rubbing motion they described was not aligned with Witness J's description of how a side hug was given.

The panel could see no reason for Mr Baxter to have rubbed Pupil A's side in this way. Even if Pupil A had been upset (and there was no evidence that this was the case), the contact made by Mr Baxter was not of the nature of a side hug. The panel formed the view that it was more likely that it had been reassuring to Mr Baxter for him to have rubbed Pupil A's side, rather than it having been necessary for Pupil A's own comfort. It was clear that it had made those who were watching feel uncomfortable. The panel considered that this was a failure to maintain appropriate boundaries.

The panel was not clear whether Pupil A received any advantage or if the rubbing of Pupil A's side was a behaviour reserved for Pupil A and could therefore be defined as special treatment. The panel was not taken to evidence as to how Mr Baxter interacted with other pupils. Accordingly, the panel did not therefore consider that it had been proved that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation proven with respect to their having been a failure to maintain appropriate boundaries, but not that Mr Baxter had displayed favouritism towards Pupil A.

e. during a school trip in June 2022, by:

i. allowing Pupil A to sleep in your bed on one or more occasions;

Mr Baxter's position was that Pupil A had slept in his bed on two occasions, but that he had only allowed Pupil A to do so on the second occasion. Mr Baxter therefore admitted the facts alleged, only in respect of the second occasion and admitted that in acting as admitted he failed to maintain appropriate professional boundaries with Pupil A but denied that he displayed favouritism towards Pupil A.

Witness G stated that on, he thought, the Wednesday of the [REDACTED] Trip, a number of pupils had caught a sickness bug and were not well enough to go on the visit to a castle. He stated that Mr Baxter had stayed at the hostel with the unwell pupils, one of which was Pupil A. He stated that the door to Mr Baxter's room was open, and he saw Pupil A in Mr Baxter's bed for around an hour. He stated that, at the time, Mr Baxter was making sure the other pupils were alright as there was a lot of sickness, as well as sorting out the bed covers and clothing which the children had been sick on.

Witness G stated that, on the last night of the residential trip, Pupil A was not interested in going to sleep and Pupil A did not like the smell in his room. He stated that Mr Baxter sat outside with Pupil A for around two hours talking to Pupil A and trying to encourage him to go to sleep. He stated that Pupil A went back into his room, but came out 5 minutes later, saying he could not sleep. He stated that Mr Baxter and Pupil A sat in the corridor, again, talking. Witness G stated that his door had been wedged open as he wanted to hear whether Pupil A was out of his room. He stated that he had told Mr Baxter that it was getting late, and that he was going to sleep, whilst Mr Baxter and Pupil A were still sitting in the corridor. Mr Baxter said “goodnight” and Witness G stated that he had closed his door. He stated that he had left Mr Baxter to deal with Pupil A since he was Pupil A’s class teacher and knew Pupil A better than most teachers at the school. Witness G stated that when he woke the following morning, he came out of his room and saw that Mr Baxter’s door was wedged wide open and Pupil A was asleep under the covers in Mr Baxter’s bed. He stated that there were two beds in Mr Baxter’s room and the sheets from the second bed, were down the end of the corridor.

Witness G stated that he went downstairs to make a cup of tea and saw Mr Baxter and asked him why Pupil A had slept in his room. He stated that Mr Baxter had said that Pupil A would not go in his own room because of the smell, and because he could not sleep. He stated that he asked where Mr Baxter had slept and Mr Baxter pointed to the pillow and duvet rolled up into a ball at the end of the corridor. He stated that he did not know exactly where Mr Baxter had slept in the corridor, as the pillow and duvet had been moved to the end of the corridor. He stated that Pupil A then stayed asleep in Mr Baxter’s bed whilst the other pupils started to wake.

Witness G stated that Witness J had said that pupils were not to go into teachers’ rooms. He could not recall when he was told this and whether Mr Baxter was present, but that this was common knowledge. Witness G stated that, during breakfast, he mentioned his concerns to Witness B, who advised him to pass a statement to Witness J over the weekend.

Witness D stated that Mr Baxter had told her that Pupil A was not very well so he had allowed Pupil A to sleep in Mr Baxter’s bed whilst Mr Baxter slept in the hallway. She stated that she had responded “oh, should you have done that?” and Mr Baxter had said that there was vomit all over Pupil A’s bed, and that Mr Baxter had had to strip Pupil A’s bed. She stated that she had spoken with Witness G about this within 30 minutes of speaking with Mr Baxter. Witness D confirmed in oral evidence that she had not seen Pupil A sleeping in Mr Baxter’s bed, this was only something she had been made aware of by Mr Baxter. Witness D did not refer to this in her statement that she made as part of the School’s investigation.

Witness E stated that on the last morning of the [REDACTED] Trip, Witness D came to speak with her and said that Witness G had seen that Mr Baxter had allowed Pupil A to

sleep in his room. Witness D stated that Witness G had said that when he asked Mr Baxter about this, Mr Baxter stated that he slept in the corridor whilst Pupil A was sleeping in Mr Baxter's room because Pupil A was not able to sleep in his own bed. Witness E stated that Witness G needed to speak with Witness B as he had observed the incident.

Witness B stated that, on the final day of the residential trip, at around 08:00, Witness G had come to her room. She stated that Witness G had told her that Pupil A had slept that night in Mr Baxter's bed and that Mr Baxter had said that he had slept on the floor outside of the room. She stated that Witness G had appeared concerned and believed that he had reported the concern to her as she was the most senior member of staff on the trip at the time. She stated that she had told Witness G that, from a safeguarding point of view, they would need to report it to Witness J.

Witness I did not attend the [REDACTED] Trip. She stated that when the staff and pupils returned, she had asked Mr Baxter how the trip had gone and he had said that there was a sickness bug on the trip and that lots of pupils and staff had become ill. She stated that Mr Baxter told her that quite a few male pupils were sick, including those in Pupil A's room, which was why Pupil A had had to sleep in Mr Baxter's room because Pupil A could not get any sleep. She stated that Mr Baxter had made it clear that he had not been in his room when Pupil A was there. Witness I stated that she did not really process what Mr Baxter had told her until she drove home. She then raised her concerns to Witness A on the morning of Tuesday, 14 June 2022.

Witness J stated that she had returned from the [REDACTED] Trip on the Wednesday, whereas the other staff and children returned on Friday 10 June 2022. She stated that on 11 June 2022, she had received a telephone call from Witness B asking if Witness G had contacted her as he had something to disclose about safeguarding. She stated that Witness G had called her straight after and stated that there had been an incident where Pupil A had slept in Mr Baxter's bed and that Mr Baxter had been unclear as to where he had slept. Witness G stated that Mr Baxter had told Witness G that he had been in the corridor, but Witness G stated that there was no evidence that Mr Baxter had been there, so Witness G was concerned that "there was something not right about the situation."

Witness A stated that, on the morning of 11 June 2022, Witness J had sent a message to her and Person K asking to speak with them urgently. She stated that the three of them had spoken by telephone that morning. She said that Witness J had told them that Witness G had told her that Pupil A had slept in Mr Baxter's bed on the last night of the residential trip.

Mr Baxter stated that on the Tuesday evening of the [REDACTED] Trip at approximately 23:45, Witness G and he had heard cries for help coming from [REDACTED]. He stated that they entered to see that Pupil D had been sick all over the wall and Pupil A's bed. He

stated that, after making sure that Pupil D was alright, they sent the two boys into the corridor so that they could clean the room up.

Mr Baxter described cleaning the room, and that they had decided that they would put both boys into [REDACTED]. He said that neither boy liked [REDACTED], but neither did they want to return to their original room. He stated that they then dealt with another two boys being ill, before checking on Pupil A and Pupil D. He stated that Pupil A, in particular did not like [REDACTED], as there was a draught coming in by his bed, the trees were tapping and making shadows and a church/clock tower was chiming.

Mr Baxter stated that, after ensuring the other boys were cleaned up, they returned to their rooms at approximately 02:00am and then, for the next couple of hours, he was back and forth dealing with children who had woken him to tell him they had been sick. He stated that he eventually returned to his bed at around 04:00.

Mr Baxter stated that he was woken at approximately 05:15 by Pupil D who said that Pupil A wanted him. He stated that he walked in to see that Pupil A had also been sick. He stated that he sent the boys into the corridor again, while he cleaned [REDACTED] and stripped the beds. He stated that Pupil A had asked if they could sit in his room, where the door had been propped open. He stated that he assumed Pupil A had meant that he would sit on one of the stools in his room, and had said “yes”, thinking that he had just been sick and that it was preferable to allow him to sit down, rather than be stood in the corridor. He stated that as he was cleaning the room, Witness G had also got up and he had also been awoken after 04:00 to deal with more sickness. He stated that once the room was clean, he told Pupil A that he would take the dirty washing downstairs, before coming back to help him make his bed.

Mr Baxter stated that when he returned to [REDACTED], he noticed that Pupil A was not there. He stated that he asked Pupil D where Pupil A was and was told that Pupil A was still in Mr Baxter’s room. Mr Baxter stated that he made Pupil A’s bed and went back to his own room where he saw that Pupil A had fallen asleep on top of his bed. He stated that he tried waking him straight away by calling out, rocking the bed, knocking loudly on the door, and then by shaking him gently on the shoulder.

Mr Baxter stated that on the Thursday night, Pupil A had been adamant that he would not stay in [REDACTED] for a third night, as he was frightened there. He stated that he tried to get Pupil A to bed, but he got up twice. He stated that he had told Witness G that Pupil A would not go to sleep, and unfortunately, Witness G had not offered to help him to get Pupil A to bed. He referred to Witness D having come down the corridor and hoped that one of them had seen that he needed help. He stated that he had offered Pupil A his hoodie to comfort him, but this was to no avail so he had offered to swap rooms with Pupil A, and Pupil D. He stated that in the meantime, he had been needed to help with an injury in a room at the end of the corridor, and asked Pupil A to wake Pupil D so that they

were ready to swap rooms upon his return. He stated that unfortunately Pupil D could not be woken and since it had been suggested that Pupil A leave [REDACTED], he would not entertain going back into it.

Mr Baxter stated that by this time it was gone 01:00 on Friday morning, and he was left with the option of forcing Pupil A into a room where he felt scared or vacating his own room to allow Pupil A at least one half-decent night's sleep, whilst he slept in the corridor. He chose to have Pupil A get all of his bedding from his room, whilst Mr Baxter stripped his bed and laid his own bedding out in the corridor. He stated that this allowed Pupil A, who was sleep-deprived to get some sleep.

In oral evidence, Mr Baxter stated that he could have put Pupil A in his original bedroom, where he had started sleeping on the first night. However, Mr Baxter stated that he had not thought of that at the time, and this was only something that had occurred to him very recently in preparing for this hearing. He also stated that, if he was faced with a situation in the future of a child who would not go to bed, he would directly ask for assistance from another member of staff.

There was no evidence presented to the panel that, on the first occasion, on the Wednesday night, that Mr Baxter had allowed Pupil A to sleep in his bed. The panel could not therefore be satisfied that it was more probable than not that Mr Baxter had allowed Pupil A to sleep in his bed on that occasion.

However, the panel was satisfied that Mr Baxter had allowed Pupil A to sleep in his bed on the last night of the residential trip. The panel also considered that, in respect of this occasion, Mr Baxter had failed to maintain professional boundaries. The panel appreciated that this decision had been made in a state of tiredness and with Pupil A's interests in mind. However, Mr Baxter had not given regard to the risk of his actions being misinterpreted and he put himself at risk by allowing Pupil A to sleep in his bed.

Furthermore, since it had been Pupil A's preference to sleep in Mr Baxter's bed, by allowing Pupil A to do so, Mr Baxter provided him with special treatment for Pupil A's own comfort over and above that received by other pupils. The panel considered that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation proven.

iii. offering Pupil A your aftershave and/or allowing Pupil A to use your aftershave;

Mr Baxter admitted the facts alleged and admitted that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A but denied that he displayed favouritism towards Pupil A.

In the notes of Witness A's interview with Mr Baxter as part of the School's investigation, Mr Baxter stated that he had sprayed his hoodie that he had given to Pupil A with aftershave, so "he knew I wasn't far" and to help Pupil A get to sleep.

In Mr Baxter's statement for this hearing, he stated that there was a disco on the final night of the trip. He stated that beforehand, the children were playing outside and he heard a conversation from which he assumed that some of the girls had borrowed perfume from staff members. He stated that Witness D had sent Pupil A to Mr Baxter's bedroom to find him. Mr Baxter stated that he put some gel on his own hair, and sprayed his aftershave, and had impulsively offered Pupil A some aftershave, having overheard the conversation with the girls earlier. He stated that Pupil A had commented that it was the one he could smell on the hoodie Mr Baxter had given him the other night.

That night, when Pupil A would not go to bed, Mr Baxter stated that he tried the tactic that had worked previously, by offering Pupil A his hoodie. He stated that he remembered Pupil A's comment about the smell of aftershave and offered to spray some on the hoodie if it would soothe Pupil A to get him off to sleep in [REDACTED].

The panel considered that it had been proven that Mr Baxter had offered Pupil A his aftershave, and /or allowed Pupil A to use his aftershave. The panel considered that it had been a failure to maintain appropriate boundaries in spraying the hoodie he gave to Pupil A with aftershave to soothe Pupil A. Doing so, infused the hoodie with a smell that Pupil A would associate with Mr Baxter and this created a personal connection beyond the expected professional boundaries. The panel did not, however, consider that this was an act of favouritism. Pupil A had not requested the aftershave, and there was no reason to believe that Mr Baxter would not have done the same for another pupil.

The panel found this allegation proven with respect to their having been a failure to maintain appropriate boundaries, but not that Mr Baxter had displayed favouritism towards Pupil A.

iv. taking breakfast to Pupil A when he did not come to eat with other pupils and staff;

Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

Witness E stated that pupils on the [REDACTED] Trip were expected to arrive for breakfast at a set time. She stated that, on the Tuesday morning, she had seen Mr Baxter with some food and asked him if he was taking some for later. She stated that Mr Baxter had told her that the food was for Pupil A as he did not want to come down for breakfast. She stated that she had replied that was "not okay" and that if pupils were hungry, they needed to come down for breakfast, and that if staff members started taking

food for one pupil, then all of the other pupils would expect it. She stated that Mr Baxter had replied “oh I’ve done it now so I’ll go take it up for him”.

Witness H stated that, on the Tuesday morning of the [REDACTED] Trip, Mr Baxter had walked past her and she thought he had been holding a plate of croissants. She stated that she asked him where he was going with it, and Mr Baxter stated that he was taking it upstairs for Pupil A as Pupil A was having a lie in. She stated that his response made her think “what?” and she laughed it off. She stated that she remembered speaking about this interaction with other members of staff as she thought it was unfair that Pupil A was not instructed to have breakfast with the other pupils.

Mr Baxter stated that Pupil A had not come down to breakfast, and knowing how hungry Pupil A became, and how his behaviour could deteriorate because of it, and bearing in mind [REDACTED], he took a sealed croissant upstairs after he had eaten his own breakfast. He stated that he told Pupil A that he could eat the croissant then or take it with him in case he got hungry later in the day. He stated that this was the only day he provided Pupil A with anything for breakfast, that Pupil A did not eat the croissant and that Pupil A had only made it down for breakfast on the Thursday morning.

The panel found it proven that Mr Baxter had taken breakfast to Pupil A when he did not come to eat with the other pupils and staff. This was an example of Mr Baxter’s relationship with Pupil A becoming different from that with any other child. Whilst [REDACTED], Mr Baxter could have made arrangements to facilitate this without appearing to reward Pupil A for his bad behaviour in not attending breakfast, for example by taking a piece of fruit for Pupil A to have during the day when he became hungry. The panel therefore considered that this was a failure to maintain appropriate boundaries.

Furthermore, since it had been Pupil A’s preference to sleep in rather than getting up for breakfast, Mr Baxter provided him with special treatment for Pupil A’s own comfort over and above that received by other pupils. The panel considered that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation proven.

v. asking / inviting Pupil A to hug you on one or more occasions;

Mr Baxter admitted the facts alleged and admitted that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A but denied that he displayed favouritism towards Pupil A.

Pupil A’s [REDACTED] provided an account for the School’s investigation. He stated that [REDACTED] had told him that, on the last night of the [REDACTED] Trip, Mr Baxter had not been at the disco, so Pupil A went to look for him. He stated that Pupil A told him that he had found Mr Baxter in his bedroom and that Mr Baxter was crying. He stated that

Pupil A had told him that Mr Baxter had said that other staff were leaving him out and did not share drinks with him. Pupil A's [REDACTED] said that Pupil A had told him that Mr Baxter had said "Can I have a hug?" but that Pupil A had not hugged him as he was not "in a hugging mood" and he continued talking with Mr Baxter and eventually they had gone down to the disco together.

Witness A stated that she had spoken with Pupil A's [REDACTED] on 14 June 2022. She stated that Pupil A's [REDACTED] reported that he had spoken with Pupil A at around 19:45 or 20:30 the night before and this information had come to light. He stated that this was something that he was the "most irate" about.

Mr Baxter stated that he had been talking with a child in his class after making him a hot chocolate with the powder the pupil had bought at [REDACTED]. He stated that he went inside to see Witness E was marking SATs papers indoors, and she had made a comment about enjoying the drink which he had been puzzled by. He stated that Witness E then asked if he had been offered a drink by the other staff members and Witness E had been visibly upset by having been left out. He stated that he became overwhelmed when he realised that he and Witness E had not been included in the group. He stated that Witness E saw that he was "getting teary" and told him to "take a breather and disappear upstairs". He stated that Pupil A witnessed this and took it upon himself to go up to Mr Baxter's bedroom, unsupervised to get Mr Baxter. Mr Baxter stated that a conversation took place where Pupil A became upset because he could see that Mr Baxter was upset. He stated that he had said the words "come here" offering Pupil A a "side on" hug, as per the School's policy. He stated that Pupil A had refused, so they did not hug.

The account of Pupil A was hearsay, reported by his [REDACTED], and Pupil A's [REDACTED] evidence was itself hearsay as neither Pupil A, nor [REDACTED] were witnesses in these misconduct proceedings. However, the panel considered that it could place weight on the account given that it was corroborated by Mr Baxter's admissions. The panel found that Mr Baxter did invite Pupil A to hug him on one or more occasions.

The panel considered that Mr Baxter had failed to maintain appropriate boundaries, since the panel did not consider that it was appropriate for a teacher to ask a pupil for a hug to obtain comfort for himself.

The panel did not consider that Pupil A had received any advantage or special treatment from Mr Baxter by Mr Baxter having asked him for a hug. The panel did not therefore consider that Mr Baxter had displayed favouritism towards Pupil A in doing so.

The panel found this allegation proven with respect to their having been a failure to maintain appropriate boundaries, but not that Mr Baxter had displayed favouritism towards Pupil A.

- 2. On one or more occasions between March and June 2022 you had one or more inappropriate discussions with Pupil A and/or his parents, namely by telling Pupil A and/or his parents that:**
 - a. members of staff were being “horrible” to you and/or were leaving you out;**

Mr Baxter admitted the facts alleged and admitted that this was an inappropriate discussion.

Witness A stated that she called Pupil A's [REDACTED] on 13 June 2022 to try to explain the concerns being investigated. She stated that Pupil A's [REDACTED] had come into the School, and the following day, Ms Davison spoke with Pupil A's [REDACTED]. She stated that, during that discussion, Pupil A's [REDACTED] stated that during the residential trip, Mr Baxter had asked Pupil A to hug him and had been crying about how other staff were being “horrible” to him. She stated that Pupil A's [REDACTED] had told her that this information had come to light during his conversation with Pupil A on the evening of 13 June 2022.

Witness A stated that Pupil A's [REDACTED] also mentioned an incident where Mr Baxter became very angry because he was made to come into assembly and was “mocked” in front of the whole school. She stated that this incident was a staff-based issue and so, by Pupil A's [REDACTED] knowing about it, she knew that Mr Baxter had been discussing staff-based issues with Pupil A, otherwise Pupil A's [REDACTED] could not have known.

In oral evidence, Witness A confirmed that the discussion with Pupil A's [REDACTED] had taken place in a face-to-face meeting.

As referred to above, Pupil A's [REDACTED] provided an account for the School's investigation. He stated that [REDACTED] had told him that, on the last night of the [REDACTED] Trip, Mr Baxter had not been at the disco, so Pupil A went to look for him. He stated that Pupil A told him that he had found Mr Baxter in his bedroom and that Mr Baxter was crying. He stated that Pupil A had told him that Mr Baxter had said that other staff were leaving him out and did not share drinks with him.

The account of Pupil A was hearsay, reported by [REDACTED], and Pupil A's [REDACTED] evidence was itself hearsay as neither Pupil A, nor [REDACTED] were witnesses in these misconduct proceedings. However, the panel considered that it could place weight on the accounts given that they were corroborated by Mr Baxter's admissions. The panel therefore found it proven that the alleged discussion with Pupil A and/or his parents had taken place.

Witness J stated in oral evidence that she would not have expected staff to talk about any aspect of their personal situation with pupils or parents and that they were expected to maintain their professionalism. She stated that insinuating that other staff members were engaging in bullying behaviour to a pupil or parent would be expected to impact upon their relationships with those staff members and could bring the School into disrepute. The panel considered that the discussion found proven with Pupil A and/or his parents was inappropriate since Mr Baxter was confiding in Pupil A about his personal relationship with other members of staff and relying upon Pupil A as a source of support.

The panel found this allegation proven.

b. you felt uncomfortable going into the staffroom;

c. you were being investigated;

Mr Baxter admitted the facts alleged at b. and c. and admitted that this was an inappropriate discussion.

In Pupil A's [REDACTED] account for the School's investigation, it is stated that Pupil A had come home from school upset as he said that Mr Baxter was being investigated and that Mr Baxter was being isolated by other staff and was not allowed in the staff room.

In Pupil A's [REDACTED] account for the School's investigation, she stated that Pupil A had been talking about Mr Baxter at home, that he had been worried about him, and at times was distressed. She stated that Pupil A had told her that Mr Baxter was being investigated and that "they are saying he is a Michael Jackson". Pupil A's [REDACTED] stated that "not long ago", she had been called to collect Pupil A from School [REDACTED], but once he was at home, he wanted to go back, saying that he needed to be with Mr Baxter to make sure he was "ok". She stated that she took Pupil A back to School. She stated that she was concerned by what Pupil A was saying and felt something was not right. She stated that she called and spoke with Mr Baxter and asked him about it. She stated that he had cried on the phone to her, and said that there had been an investigation, but that "it wasn't true".

The account of Pupil A reported by [REDACTED] was hearsay. Pupil A's [REDACTED] account and [REDACTED] account were also hearsay. However, the panel considered that it could place weight on the accounts given that they were corroborated by Mr Baxter's admissions. The panel therefore found it proven that the alleged discussion with Pupil A and/or [REDACTED] had taken place.

The panel considered that it was inappropriate for Mr Baxter to have told Pupil A that he felt uncomfortable going into the staffroom since Mr Baxter was confiding in Pupil A about his personal relationship with other members of staff and relying upon Pupil A as a source of support. The panel also considered that it was inappropriate for Mr Baxter to

have told Pupil A and Pupil A's [REDACTED] that he was being investigated. In doing so, he placed the burden of his worries upon Pupil A. He shared confidential matters pertaining to the School's internal procedures with a parent.

The panel found allegation 2.b. and 2.c. proven.

d. you had an envelope with your resignation in and/or were printing out your resignation letter;

Mr Baxter admitted the facts alleged and admitted that this was an inappropriate discussion.

Witness A stated that during the School's disciplinary hearing, Mr Baxter had provided more information about the incident in assembly referred to above, saying that, instead of going to assembly, he had stayed in his classroom with Pupil A [REDACTED], and printed his resignation with Pupil A watching. The panel saw the notes of the School's investigation meeting in which Mr Baxter stated that he had printed his resignation letter when Pupil A was there. He stated that Pupil A had heard his conversation with Witness E at the time, that he had said that he was angry and said, "I'm done".

Mr Baxter stated that Pupil A had asked what the envelope was for and if it was important. He stated that he told Pupil A that it was for his resignation and explained what that meant. He stated that Pupil A asked if Mr Baxter was leaving and looked worried. Mr Baxter stated that he responded that he was going to leave, but not until the end of the year "as there was still lots of fun to be had yet".

The panel found it proven that Mr Baxter had told Pupil A that he was printing out his resignation letter. The panel considered that this was inappropriate since Mr Baxter was someone Pupil A saw as "a secure base" and news of Mr Baxter's departure from the School was something, therefore, to be carefully communicated in a co-ordinated manner.

e. you were going for a job interview at Clacton County High School;

f. you had been offered a job at Clacton County High School;

Mr Baxter admitted the facts alleged at e. and f. and admitted that this was an inappropriate discussion.

In the notes of the School's investigation meeting with Mr Baxter he stated that he had told Pupil A about the interview and the job offer, and that he was going to call Witness J to inform her. He confirmed that he had told Pupil A before he told the headteacher. He stated that he had been "so shocked and overexcited". In the same interview he stated that he had told a group of children including Pupil A of the interview, and that when he got the job, he told Pupil A the "good news" and also the "other children at my club".

The panel considered that it was more likely than not that Mr Baxter had told Pupil A that he was going for a job interview at Clacton County High School and that he had been offered the position there. The panel considered that this was inappropriate as the School would have wanted to manage the communications to pupils and parents around the departure and its plans for replacing him.

The panel found this allegation proven.

g. you were worried about going on the school trip in June 2022;

Mr Baxter admitted the facts alleged and admitted that this was an inappropriate discussion.

Pupil A's [REDACTED] stated that he was aware that Mr Baxter had told Pupil A that [REDACTED] was "dreading going on the school trip, it would be the week from hell and the other staff were being unkind [REDACTED]".

The account of Pupil A reported by [REDACTED] was hearsay. Pupil A's [REDACTED] account were also hearsay. However, the panel considered that it could place weight on the account given that it was corroborated by Mr Baxter's admissions. The panel therefore found it proven that the alleged discussion with Pupil A had taken place.

The panel considered that it was inappropriate for Mr Baxter to have told Pupil A this since Mr Baxter was confiding in Pupil A about his personal relationship with other members of staff and relying upon Pupil A as a source of support. In doing so, he placed the burden of his worries upon Pupil A.

The panel found this allegation proven.

3. You behaved in one or more of the ways set out at 1 and/or 2 above despite being given safeguarding advice and/or guidance on or around 21 March 2022, following concerns being raised about your relationship with Pupil A.

Mr Baxter admitted the facts alleged to the extent that there was one occasion on which he was given safeguarding advice and/or guidance.

Witness A stated that on 21 March 2022, she spoke with Mr Baxter about the concerns that had been raised about the School trip on 18 March 2022. She stated that she spoke with Mr Baxter about treating Pupil A differently to the rest of the class, and whilst they could do individual care for pupils because of their needs, it would never extend to a teacher bringing food for one child whilst the others sit and watch. She stated that if Pupil A needed extra food, [REDACTED] needed to let her know so she could speak with Pupil A's parents in her role as designated safeguarding lead. In oral evidence, Witness A stated that she had been trying to understand if [REDACTED].

Witness A stated that she spoke with Mr Baxter about it having been said that he was in the forest alone with Pupil A, and that she had now found him alone with Pupil A, playing Lego. She stated that she told Mr Baxter that he needed to think about protecting and safeguarding himself because he was putting himself in a vulnerable place where Pupil A could make an accusation against him. She stated that she therefore advised Mr Baxter to have other pupils in the Lego club. She stated that she also advised Mr Baxter that when he goes to the forest, other pupils could also be involved, and to perhaps choose a boy and a girl. In oral evidence, Witness A clarified that her memory was that she had said “a couple of boys and a couple of girls”, and that the point was that he should not just be with Pupil A on his own.

Witness A stated that she had not taken notes of her conversation with Mr Baxter.

In oral evidence, Witness A stated that she had not referred Mr Baxter to any of the School’s safeguarding policies during their meeting, but that he was sent these at the beginning of each academic year.

In oral evidence, Witness A agreed that this had been an informal meeting, as no notetaker had been present, but that it had been significant as she had not had to have a conversation of that nature with Mr Baxter before. She also referred to having received advice from the LADO by telephone before having the conversation with Mr Baxter. She stated that the conversation with Mr Baxter had lasted approximately 20 minutes and took place in her office after arrangements had been made for Pupil A to go to the after school club. The majority of the conversation related to the concerns that had been raised; and they briefly discussed whether Mr Baxter had someone to talk with if he needed support.

Witness J stated that, after this conversation, Mr Baxter had wanted reassurance as the allegations had impacted his confidence, and that he was doubting himself as to what he was allowed to do, and it appeared to impact on how he saw himself as a teacher. She stated that Mr Baxter had spoken with her and Person K on 22 March 2022 for reassurance and that she had clarified that the conversation with Witness A was to keep him safe as much as Pupil A.

The panel considered that safeguarding advice and/or guidance had been given by Witness A, and this had been understood by Mr Baxter to be the case, given the impact that the conversation had had on Mr Baxter.

The panel found that Mr Baxter had behaved in one or more of the ways found proven at allegation 1 and/or 2 above despite having been given safeguarding advice and/or guidance by Witness A on or around 21 March 2022. Specifically, the conduct found proven at allegation 1biv, 1civ, 1ei, 1eiii, 1eiv, 1ev, and 2 all occurred after the safeguarding advice and/or guidance having been given and all indicated that Mr Baxter

had failed to have regard to the advice not to put himself in a vulnerable position where an allegation could be made against him.

The panel found the following allegations not proven:

1. During the 2021/22 academic year, you failed to maintain appropriate professional boundaries with Pupil A, and/or displayed favouritism towards Pupil A, in one or more of the following ways:-

a. by spending time alone with Pupil A on one or more occasions, namely:-

i. in “[REDACTED]”;

Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

On or around 16 March 2022, Witness A stated that she was told by the School’s [REDACTED] that she had a concern about having seen Mr Baxter sitting on a log in [REDACTED] with his arm on Pupil A’s shoulder. [REDACTED] had told Witness A, that as she walked up to Mr Baxter, Pupil A shrugged Mr Baxter’s arm off and looked embarrassed and uncomfortable. [REDACTED] had said that there were two coats on the gate so it was impossible for her to see Mr Baxter and Pupil A until she was right next to the fence and was concerned that someone might think the coats were hung that way deliberately. Witness A stated [REDACTED] appeared concerned that Mr Baxter was not protecting himself from the risk of an allegation being made against him.

Witness A described [REDACTED] as situated outdoors towards the back of the School and at the further perimeter fence. She stated that “[REDACTED] is as far as you can go without being off-site.”

Since this was the first concern raised about Mr Baxter, and because certain parts of the concern such as how the coats were hung up were unclear, it was decided to monitor Mr Baxter by sending someone to [REDACTED] the following week to keep an eye on the situation. This did not happen since a further concern was raised about Mr Baxter on 18 March 2022.

Witness C stated that Pupil A was allowed to attend more [REDACTED] sessions than other pupils at the School. She stated that if Pupil A had a “bad day” or was “in a mood” she would see Pupil A in the forest joining other groups or doing “jobs” with Mr Baxter such as tidying up the forest seating area.

[REDACTED] The panel considered that it was inevitable that Pupil A would spend time alone in [REDACTED] with Mr Baxter given that Pupil A was [REDACTED]

[REDACTED] The panel noted that teachers are often in one-to-one situations with pupils but usually there are measures in place to mitigate the risks. Whilst it would have been unwise for Mr Baxter to routinely put himself in a position of being alone with Pupil A so far from the sight of the School, the panel noted that the senior leadership team appeared aware of the situation (given they would have been responsible for the [REDACTED]) but had not been concerned at the risk this posed to either Mr Baxter or Pupil A. Since the panel could not be confident who had established this role, or what the arrangements were, it did not consider that it had been proven there was any failure to maintain professional boundaries.

The panel noted that acting as [REDACTED] was part of [REDACTED], and as such Mr Baxter did not display favouritism towards Pupil A.

ii. during breaks and/or lunchtimes;

Mr Baxter denied this allegation.

Witness C stated that on a date she could not recall, she walked through Mr Baxter's classroom and thought it smelled of "lovely food". She stated that she saw Mr Baxter with Pupil A and asked who the food was for, and Mr Baxter responded "us". In oral evidence, Witness C confirmed that no one else was in the classroom with Mr Baxter and Pupil A.

Witness C also stated that she saw Pupil A play on a fold-away pool table during lunchtime as Pupil A would not always want to go outside. In oral evidence, Witness C confirmed that no one else was in the classroom with Mr Baxter and Pupil A.

Witness E stated that during play and lunchtimes, Pupil A was allowed to stay with Mr Baxter in his classroom without any other adults present. She stated that, sometimes, Pupil A would have a friend with him and other times he would not. She stated that, sometimes, she would work through her lunch break to finish her marking. She was, therefore, aware that Pupil A would be in Mr Baxter's classroom during play and lunch times because she could hear them together from her classroom. She stated that she had told Mr Baxter to be careful because he was leaving himself vulnerable and Mr Baxter had said "oh no it's fine".

Witness D stated that, during year 6, Mr Baxter increasingly shut himself away in his class and isolated himself. She stated that he would not come into the staff room as often, and would instead be in his classroom, cooking for himself and Pupil A. She stated that she was aware that Mr Baxter was cooking for Pupil A because, on one occasion, she was walking through Mr Baxter's classroom and she heard him say to Pupil A "what do you want for lunch today?" and she saw Mr Baxter holding up two options, one of which was sausages and she could not remember the other option. She stated that there were less than ten pupils in the classroom at the time. This was the only specific example

Witness D gave, and the panel noted that Mr Baxter was not alone with Pupil A on this occasion.

The panel noted that, in Pupil A's [REDACTED]

In light of this, the panel would be surprised if Pupil A had not been alone with Mr Baxter during breaks and/or lunch times. The panel considered that it was more probable than not that Mr Baxter had been alone with Pupil A during those times. However, the panel considered that it had not been proven that this was a failure to maintain appropriate boundaries, when [REDACTED], with no discussion of mitigating risks around this. Similarly, since this relationship was sanctioned by [REDACTED], the panel did not consider that it had been proven that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation not proven.

b. by allowing Pupil A to have, or providing Pupil A with, food and/or drinks and/or equipment in circumstances where other pupils were not permitted the same, namely by:-

ii. providing Pupil A with lunch and/or a fizzy drink and/or Jaffa cakes during a school trip in March 2022;

Mr Baxter admitted the facts alleged insofar as it concerned Jaffa cakes only but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

Witness C stated that she attended the [REDACTED] Trip. She stated that lunch took place in a picnic area and staff were allocated a group of seven to eight pupils. She stated that pupils were asked to bring a packed lunch for the trip. She stated that, on another table, opposite her was Mr Baxter, Pupil A and the other pupils in Mr Baxter's group. She described this as being under a car length away from her. Mr Baxter and Pupil A were seated directly opposite one another on their table. She stated that she saw Mr Baxter and Pupil A had the exact same lunch, [REDACTED]. She stated that the only School provided lunch that staff were able to give pupils was in a brown paper bag which had apple juice, a bread roll and a flapjack, which could only be given if pupils did not like their own lunch or did not have enough. She stated that she also saw Mr Baxter and Pupil A drinking a fizzy drink, which the School did not permit as part of a packed lunch. She stated that Mr Baxter would have been aware of this, as he had to relay the rules to the pupils. She stated that she also saw Mr Baxter sharing a double box of Jaffa cakes with Pupil A for a couple of minutes after finishing the [REDACTED]. Another pupil on Mr Baxter's table asked if they could have a Jaffa cake, and Mr Baxter responded, "no they are ours". She saw Mr Baxter put them back in his carrier bag.

In oral evidence, Witness C stated that she had formed the view that Mr Baxter may have bought Pupil A's lunch as well as his own, because they were identical and because the lunch Pupil A usually brought was "never very nice".

Mr Baxter stated that, on the [REDACTED] Trip, there were three groups and he bought each group a packet of chocolate chip cookies and a multipack of Jaffa cakes as it was a long day and the children were keeping their packed lunches in a secure room until their designated lunch time. He stated that the cookies and Jaffa cakes were allocated to Witness I and Witness G to give to their groups and he retained a pack to give to his own group. He stated that, at lunch time, Pupil A and another pupil had some of these snacks after they had finished their lunch. He stated a pupil in his class had asked if they could have one and he had joked "no these are ours" before telling him to ask their group leader as he had bought snacks for their group too. Mr Baxter stated that no child had fizzy drinks on the trip, and neither did he. He stated that Pupil A's lunch was provided for him by his parents and they had joked that their lunch was similar [REDACTED].

Neither Witness I, nor Witness G raised any concerns regarding Mr Baxter having provided Pupil A with food on the [REDACTED] Trip.

There was no evidence that Mr Baxter had provided Pupil A's lunch.

Although Witness C gave evidence that she saw a fizzy drink, there was no evidence that Mr Baxter had provided Pupil A with it. Furthermore, the panel noted that Witness C had not referred to any specific brand of fizzy drink as she had in relation to the snacks, and the panel could not be satisfied that the drink she saw was, in fact, a fizzy one.

The panel considered that it had been proven that Mr Baxter had provided Pupil A with Jaffa cakes but there was insufficient evidence that other pupils were not permitted the same.

The panel found this allegation not proven.

iii. providing Pupil A with access to an iPad on the way back from a school trip in March 2022;

Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

Witness C gave evidence regarding the return journey from the [REDACTED] Trip. She stated that she saw Mr Baxter and Pupil A seated side by side at the very back of the coach on the long seat. Witness C stated that she had been sat on the aisle side towards the middle of the coach. She stated that she saw where Mr Baxter and Pupil A were seated as she had to keep getting some lively pupils towards the back of the coach to sit nicely. She stated that she saw Pupil A playing on an electronic device for at least a third

of the journey. She stated that she did not know who the device belonged to but staff and pupils were told not to bring any mobile devices or electronics in case they were lost, and to avoid pupils taking photographs and posting them.

Witness C was asked in oral evidence if it was usual for children to look through photos taken on an electronic device. She stated that this would not normally be allowed, because most children start taking photos of themselves. She stated that they would normally upload them onto a screen when they returned to the classroom and look through them together.

The panel noted that although Witness B had raised concerns about Mr Baxter's position in relation to Pupil A on this journey she did not reference Pupil A having an iPad, and in oral evidence could not remember if Pupil A had had anything in his hands.

Mr Baxter stated that, on the return journey, he sat at the rear of the coach and the children around him had asked if they could look at the photos that he had taken of the trip on the school iPad.

The panel considered that there was insufficient evidence that other pupils were not permitted the same access to an iPad on the return journey. The panel did not consider that it was proven that other pupils were not permitted the same access.

The panel found this allegation not proven.

v. allowing Pupil A to have a ball during “brain breaks”;

Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

Witness B stated that, at some points, she felt that Pupil A had more breaks and time out of work than other pupils. She stated that, for example, during his breaks Pupil A was allowed to have a ball whereas other pupils were not.

Witness J stated in oral evidence that pupils would be given a ball during brain breaks to “access activity”. She explained that a brain break would often involve movement for the child to utilise their gross motor skills.

Witness G explained that brain breaks were an opportunity for a pupil to have time out of class to regulate themselves by playing with a ball or to play with a friend. He stated that Pupil A would have been allowed to play with a ball.

Witness C described in oral evidence that during brain breaks Pupil A would take a friend and kick a ball outside or play basketball. She stated that Pupil A would normally take a

football. She stated that other pupils would be allowed to take equipment for brain breaks but the duration of their brain break would have been more structured.

Brain movement breaks were part of [REDACTED] These were described as something Pupil A earned [REDACTED]. In his pupil's voice comments, Pupil A stated that he liked to use a football or play with Lego when on a brain break.

The panel did not consider that it had been proven that Pupil A had been allowed to have a ball during "brain breaks" when other pupils were not permitted the same.

The panel found this allegation not proven.

c. by engaging in physical contact with Pupil A on one or more occasions, namely by:

iii. rubbing and/or patting Pupil A's back when he was lying in bed without a top on during a school trip in June 2022;

Mr Baxter denied this allegation.

Witness B stated that, during the [REDACTED] Trip, she had woken up to see a message on her phone informing her that a lot of the pupils had been poorly during the night, so she went to see if she could help at around 06:30 or 07:00. She stated that she went to the boys' accommodation and noticed that many of the doors were being propped open to allow staff members to keep an eye on the pupils. She stated that she glanced through the doors, looking for a staff member to see how she could help when she noticed Pupil A lying face down on a single bed, with his head to one side, and he appeared "semi-asleep". She stated that she could see that Pupil A was not wearing a top because there were no sheets or blankets over him but that Pupil A was wearing shorts. She stated that Mr Baxter was kneeling next to the bed, rubbing Pupil A's back in a circular motion, between Pupil A's shoulder blades as a parent would to soothe their sick child. She stated that Mr Baxter appeared concerned generally because the male pupils were unwell. She stated that no one else was in the room with Mr Baxter and Pupil A and she could not hear any discussion. She stated that she did not say anything but carried on looking for Witness G to ask how she could help. She stated that she did not know for how long Mr Baxter was rubbing Pupil A's back.

Witness B reported this to Witness A during the School's investigation. In her written account at that time, Witness B stated that this had occurred on the Wednesday morning, after the boys were ill on the Tuesday night. She described Mr Baxter rubbing or patting Pupil A's back. Witness B stated that she had reported this as she felt that the boundary between teacher and pupil had been lost. She stated that as a parent, you might kneel by your child's bed and make sure they are okay. She stated that, on a school trip, staff

members would be attentive and ensure that the pupil had everything they need and clean bedding, but they would not kneel down by the pupil's bed and pat their back.

Witness G stated that on the last morning of the [REDACTED] Trip, as he walked past Mr Baxter's room, he saw Mr Baxter in his room kneeling by the bed where Pupil A was still resting and he assumed that he was asking Pupil A to wake up and get his things together or encourage him to come down for breakfast. He stated that he could not recall how he was trying to encourage Pupil A and could not hear what Mr Baxter was saying to Pupil A. He stated that Mr Baxter was not kneeling there for long, as he was also tidying his things as well. This was the morning that Pupil A had ended up sleeping in Mr Baxter's bed, and Mr Baxter had slept in the corridor outside.

The panel noted that Witness G and Witness B were describing two separate occasions, as they occurred on different mornings of the trip.

In the School's investigation, Mr Baxter was asked about this allegation, and he stated that this might have occurred when he was trying to wake up Pupil A in the morning. He stated that some days Pupil A had slept without a pyjama top on, as it was so hot. He stated that Pupil A only attended breakfast on one morning and he overslept on each of the other mornings. He stated that Pupil A was "out for the count", and he had said "wakey wakey". He stated that he was trying to wake him and rub him on the shoulder to get some acknowledgement. He stated that he had not done this every day but had done so "maybe twice". He stated that he did not do this for other pupils, as they had woken more naturally. He also stated that Pupil A had been wearing a tracksuit when he had slept in Mr Baxter's bed, whilst Mr Baxter slept in the corridor.

The panel considered that it was more likely than not that Mr Baxter had rubbed and/or patted Pupil A's back when he was lying in bed without a top on. However, given the timing of the incident referred to by Witness B, and Witness G's perception that Mr Baxter had been trying to wake Pupil A at a similar time on a different day, the panel considered that it was more likely than not that Mr Baxter had been trying to wake Pupil A.

The panel noted that Mr Baxter had done this openly, with the door open. Whilst it may have been unwise to have sought to wake Pupil A in this manner, the panel noted that there were extremely challenging circumstances with all or most of the boys having been sick. The panel also had regard to the principle of "in loco parentis" which would apply during a residential trip which meant that rubbing and/or patting a pupil's back to wake them was not as inappropriate as it would have been had this occurred in a school setting. The panel did not consider that this was a failure to maintain appropriate boundaries. Similarly, there was no evidence that Mr Baxter would not have done the same for any pupil who was struggling to wake up, and the panel did not consider that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation not proven.

v. putting your arm around and/or hugging Pupil A on one or more occasions in the “snug” area and/or in [REDACTED];

Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

As referred to above, on or around 16 March 2022, Witness A stated that she was told by the School’s [REDACTED] that she had a concern about having seen Mr Baxter sitting on a log in [REDACTED] with his arm on Pupil A’s shoulder. [REDACTED] had told Witness A, that as she walked up to Mr Baxter, Pupil A shrugged Mr Baxter’s arm off and looked embarrassed and uncomfortable.

Witness C stated that, prior to the [REDACTED] School trip, whilst walking from one class to another, at least twice, she had seen Mr Baxter with his arm around Pupil A in the snug during lesson time. She described the snug as being a communal area, used for pupils who need time-out, with big, broad leather armchairs. She described the space as not being a closed room with a door, but an area that people walk through to get to the bathroom or the photocopier. She described having seen Mr Baxter sat on the arm of the armchair and that he had put his arm around Pupil A.

In oral evidence, Witness C stated that Mr Baxter’s arm had been over Pupil A’s shoulder rather than the chair because the back of the chair was high, and it would have been uncomfortable to put his arm there. She confirmed that she had not seen Mr Baxter put his arm around the shoulders of other pupils.

Witness C stated that she had only seen this occur on one occasion. She explained she had not reported it because, as a [REDACTED], she hadn’t really known how to word the complaint and justified it to herself that perhaps the child needed comfort.

Although the concern reported regarding [REDACTED] was hearsay evidence, the panel considered that it could place weight on the account given that this was admitted by Mr Baxter. The panel considered that it was more likely than not that Mr Baxter had put his arm around and/or hugged Pupil A on one or more occasions in [REDACTED]. Similarly, the panel also considered that it was more likely than not that Mr Baxter had put his arm around and/or hugged Pupil A on one or more occasions in the “snug” area.

However, the panel considered that there was insufficient information as to the context of these occasions for the panel to determine that it was a failure to maintain appropriate boundaries. Similarly, the panel did not consider that there was any evidence that Mr Baxter would not have done the same for another pupil, so it had not been proven that Mr Baxter had displayed favouritism towards Pupil A.

The panel found this allegation not proven.

d. during lessons and/or in relation to the [REDACTED], namely by:

i. accompanying Pupil A during “brain breaks”, when other pupils would be accompanied by a learning support assistant;

At the outset of this hearing, Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A. In Mr Baxter’s closing statement, his representative stated that this allegation was denied in its totality.

Witness B stated that, at some points, she felt that Pupil A had more breaks and time out of work than other pupils. She stated that, for example, during his breaks Pupil A was allowed to have a ball whereas other pupils were not. She also stated that, when pupils took breaks they would usually be accompanied by an LSA so that the teacher could keep teaching, whereas Pupil A would be accompanied by Mr Baxter.

Witness A stated in oral evidence that it would be usually learning support assistants who supervised “brain breaks.”

Witness I stated in oral evidence that sometimes she or Mr Baxter would accompany Pupil A on brain breaks, and other times, Pupil A would be alone but stay close where he could be observed.

Witness J stated in oral evidence that pupils on brain breaks were usually accompanied by a learning support assistant. She stated that the teacher was responsible for all children in their class, and if time was needed for support, because of the cover implications, it would be very unlikely to be the class teacher unless it was a one off occasion. She stated that it would not be part of a pupil’s standard provision, and it would not be a provision if the pupil did not get along with the learning support assistant. She stated that a pupil would not be able to pick and choose who accompanied them for brain breaks, since other pupils might really like to be accompanied by a class teacher and they could not. She stated that the School could not facilitate a teacher taking a child for their brain break, and that to do so would have been to the detriment of other children.

Witness G stated that a mixture of learning support assistants and the class teacher would have accompanied Pupil A on brain breaks.

Mr Baxter stated that it was not true that pupils were supported exclusively by learning support assistants on brain breaks. He named a number of pupils who he observed being supervised by teachers on brain breaks. He stated that, as teachers, they used their professional judgement to determine who was deemed best to support a child at any given moment. He stated that, in line with the school’s vision of “Equality versus Equity”, in order to support all children to have equality of opportunity, the provision a pupil had may not be exactly the same as everyone else. He stated that through these brain breaks

teachers often got to build valuable relationships with potentially their most vulnerable or disruptive children.

Given that Witness I was the learning support assistant in Mr Baxter's class from October 2021, and she stated that either she or Mr Baxter would accompany Pupil A on brain breaks, the panel did not consider that Mr Baxter accompanied Pupil A exclusively during "brain breaks", and that Pupil A was also accompanied by Witness I as a learning support assistant. This was also supported by Witness G.

The panel found this allegation not proven.

ii. appointing Pupil A as a [REDACTED];

Mr Baxter denied this allegation.

Witness I stated that the decision to offer Pupil A additional time as a [REDACTED] was made by Mr Baxter. This was the only witness who stated that this decision had been made by Mr Baxter.

Witness A stated in oral evidence that she did not think that Mr Baxter had appointed Pupil A as [REDACTED].

Witness B stated that she was not aware of the decision making for Pupil A to become [REDACTED] but was aware that Pupil A had that position [REDACTED].

Witness J stated that she remembered Pupil A being [REDACTED] but did not recall who had designated him to that position. She stated that the decision would not necessarily have involved all of the Senior Leadership Team ("SLT"). She stated that if it had been determined that Pupil A was the [REDACTED], the teacher would have then decided what time was allocated for Pupil A to be the [REDACTED].

Mr Baxter stated that following an incident between Pupil A [REDACTED] either Witness J or Person K or both spoke with Mr Baxter to propose that Pupil A would benefit from becoming [REDACTED], on the basis that it would aid [REDACTED] to become [REDACTED]. He stated that it was agreed that this was not a reward for Pupil A, but an intervention to prevent further [REDACTED] incidents, but also to help build confidence, resilience and self-esteem, as well as [REDACTED]. He stated that he and Person K had met Pupil A and [REDACTED] parents and Person K had explained that Pupil A [REDACTED] and that [REDACTED] would instead accompany Mr Baxter [REDACTED]. He stated that Pupil A's [REDACTED] had been initially worried about the impact this would have on Pupil A's education, but that he and Person K had explained the potential benefits it would have for Pupil A.

Person K was not called as a witness in these professional misconduct proceedings.

The panel noted that Pupil A's [REDACTED] recorded that Pupil A [REDACTED].

Witness J stated that [REDACTED] was usually put in place for quite serious behaviours and would have involved either herself or Person K. She stated that it would have been produced by [REDACTED] Person L [REDACTED] and shared with staff, potentially with input from the class teacher, but not always. She stated that teachers could update [REDACTED] but only in discussion with at least Person L. She explained that it was "quite a significant document" so, generally, there had to have been someone with oversight of it.

The panel considered that there was insufficient evidence that Mr Baxter had appointed Pupil A as [REDACTED]. The panel considered that it was more likely that the decision had been taken by someone in the SLT, particularly given the reference to it in [REDACTED].

The panel found this allegation not proven.

iii. allowing Pupil A to attend [REDACTED] with you more frequently than other pupils in your class;

Mr Baxter admitted the facts alleged insofar as it was the consequence of Pupil A being appointed as the [REDACTED] but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A.

Witness C stated that Pupil A was allowed to attend more [REDACTED] sessions than other pupils at the School. She stated that if Pupil A had a "bad day" or was "in a mood" she would see Pupil A in the forest joining other groups or doing "jobs" with Mr Baxter such as tidying up the forest seating area. In oral evidence, Witness C stated that normally pupils would only attend [REDACTED] at their allocated time, but since [REDACTED].

Witness I stated that, as the [REDACTED] a lot more than other pupils in his class. She stated that Pupil A would spend every [REDACTED] which resulted in him missing lessons.

The panel considered it proven that Mr Baxter allowed Pupil A to attend [REDACTED] with him more frequently than other pupils in his class, as a result of Pupil A having been appointed as [REDACTED]. However, this was part of [REDACTED] and was not therefore a failure to maintain appropriate boundaries. Furthermore, this was not an instance in which Mr Baxter displayed favouritism towards Pupil A; it was an inevitable consequence of Pupil A being appointed as [REDACTED].

The panel found this allegation not proven.

e. during a school trip in June 2022, by:

ii. giving Pupil A your hoodie to sleep with;

Mr Baxter admitted the facts alleged and admitted that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A but denied that he displayed favouritism towards Pupil A.

Witness G stated that on either the Wednesday or Thursday morning of the [REDACTED] trip, he came across Mr Baxter in the corridor, and Mr Baxter had told him that Pupil A was struggling to sleep again in his room and that Mr Baxter had given Pupil A his hoodie at night to help get him to sleep. He stated that he could not recall Mr Baxter's exact words during this conversation, and no one else was present. He stated that he would not have done the same as Mr Baxter had since it was his personal clothing. In oral evidence, Witness G stated that he had not seen Pupil A with the hoodie and was only aware of this having occurred because of the conversation he had had with Mr Baxter. He stated that had a child not been able to sleep, he would have perhaps given Pupil A some "time out", some sports equipment or allowed him a phone call home.

This was reported by Witness G during the School's investigation as Witness A stated that Witness G had told her words to the effect of "it is really weird because one night he told me he gave Pupil A his hoodie to cuddle with which I found really weird".

In oral evidence, Mr Baxter stated that there was another occasion when Witness B had given another child her spare hoodie to wear, after that child had been "poorly".

Mr Baxter stated that he had given Pupil A his hoodie as a comforter, as something to cling onto to help him get to sleep, since Pupil A had not brought a teddy. He stated that, on reflection, he should have found Pupil A some clothing from Pupil A's own bag.

The panel found it proven that Mr Baxter had, during a school trip in June 2022, given Pupil A Mr Baxter's hoodie to sleep with.

As to whether in providing his hoodie, Mr Baxter had failed to maintain appropriate boundaries, the panel did not consider that it was inappropriate to provide a child with an item for them to hold, as a comfort to enable them to go to sleep. It would have been preferable for Mr Baxter to have used something that was not a personal item of his own, but the panel did not consider that he had failed to maintain appropriate boundaries in doing so.

As to whether Mr Baxter had displayed favouritism towards Pupil A, there was no evidence that Mr Baxter would not have done the same had another child needed something to comfort them to enable them to sleep. The panel did not consider that

Mr Baxter had displayed favouritism towards Pupil A in giving Pupil A his hoodie to sleep with.

The panel found this allegation not proven.

vi. allowing Pupil A to go to the games room without supervision on one or more occasions;

Mr Baxter denied this allegation.

Witness D stated that there was a rule that, unless there was a staff member available downstairs, pupils could not go into the games room. She stated that this rule was communicated to staff by Witness B or Witness E and was relayed to the pupils. She stated that, on a couple of occasions, Pupil A was allowed downstairs with a friend and would be downstairs in the games room “on most days”. She stated that she knew this because staff members discussed between one another wondering why Pupil A was downstairs, and how it was not fair on the pupils in other groups. She stated that she saw Pupil A and another pupil in the games room without a staff member present and asked them why they were there and stated that there was no adult. She stated that either Pupil A or the other pupil said that “Mr Baxter said I’m allowed.” She stated that the first time this occurred, she simply acknowledged it and left. On the second occasion, towards the end of the trip, she stated that pupils in her group were asking why Pupil A was allowed downstairs. She stated that she approached the pupils to ask why they were in the games room without a staff member and Pupil A or the other pupil said that they were given permission by Mr Baxter.

In the notes of Mr Baxter’s interview as part of the School’s investigation, he stated that he had not heard “that rule”, and if the children were allowed in the bedrooms by themselves, he thought the “games room would be ok”.

In Mr Baxter’s witness statement, he stated that Pupil A and a group of his peers asked if they could go to the games room when Mr Baxter was upstairs. He stated that they could because he knew members of staff including Witness D were downstairs in the vicinity of the games room at the time. He stated that his bedroom overlooked the outside area and you could hear who was in the games room with his window open. In oral evidence, Mr Baxter stated that he knew Witness D was in the games room, when Pupil A and [REDACTED] friends asked if [REDACTED] could go to the games room, because [REDACTED] had just come in from outside, and when [REDACTED] passed the games room, Witness D had been inside. He stated that he had gone upstairs, and Pupil A and [REDACTED] friend had asked if they could go to the games room, and he said “yes”, having just seen Witness D there.

Witness D must have been in the vicinity of the games room to have asked why the pupils were in there, and therefore Mr Baxter’s explanation of one of the occasions was

credible, even though the panel recognised that Mr Baxter had not given this explanation when asked about this issue during the School's investigation.

In respect of one of the occasions that Witness D referred to, the panel did not find it proven that Mr Baxter had allowed Pupil A to go to the games room without supervision, as he believed Witness D to have been present.

There was no evidence as to how Pupil A (other than what Pupil A, or another pupil reported to Witness D) had been allowed to visit the games room on the other occasion described by Witness D. Since the person who had said they had the permission of Mr Baxter had not given evidence, the panel could not be satisfied that Mr Baxter had given permission.

The panel found this allegation not proven.

vii. taking one or more videos of Pupil A completing a climbing activity in circumstances where you did not take videos of any other children;

At the outset of the hearing, Mr Baxter admitted the facts alleged but did not admit that in acting as alleged he failed to maintain appropriate professional boundaries with Pupil A or that he displayed favouritism towards Pupil A. In Mr Baxter's closing statement, his representative stated that this allegation was denied in its totality.

In Witness E's witness statement, she stated that Mr Baxter had only taken videos and photos of Pupil A. In oral evidence, Witness E stated her concern had been in relation to the Thursday's activities in that most of the photographs focussed on Pupil A but agreed that there may have been others in the photographs.

The panel had regard to the notes of the School's disciplinary hearing. Witness A was asked whether there were images on the iPad of other children or whether they were just of Pupil A. Witness A responded that there were four videos of Pupil A and one of another child.

To be proven, this allegation required that Mr Baxter did not take videos of any other children. The evidence was to the contrary that a video of another child had been taken.

The panel found this allegation not proven.

viii. failing to address Pupil A's behaviour on one or more occasions and/or undermining the attempts of other staff to address Pupil A's behaviour;

Mr Baxter denied this allegation.

Witness E stated that during the [REDACTED] Trip, there had been a visit to [REDACTED] and that a ride had had to be stopped because Pupil A tried to get out of the carriage he was in. She stated that Pupil A was spoken to by Witness B about his behaviour as “Mr Baxter did not address Pupil A’s behaviour.” She stated that she also heard Mr Baxter say to Pupil A “oh, don’t worry about it, it doesn’t matter.” She stated that Mr Baxter subsequently caused friction between staff members because they were trying to deal with Pupil A’s behaviour but it felt like Mr Baxter was trying to undo their efforts. In oral evidence, Witness E stated that it hadn’t been just Mr Baxter’s responsibility to address Pupil A’s behaviour, but it was his responsibility to support other staff if they were addressing it. She also stated that it had been agreed that each group leader would address the behaviour of those in their group.

In respect of this incident, Mr Baxter stated he was not with Pupil A on the ride, nor had he been aware of the incident until he got off the ride in the last car. He stated that, knowing Pupil A had already been disciplined and the matter had already been dealt with, he was not going to address the behaviour and discipline a child a second time for the same incident.

Witness E also stated that on the Thursday of the [REDACTED] Trip, Pupil A’s behaviour was “very heightened” and he was “behaving inappropriately by being rude to the adults” leading the activities. She stated that Pupil A always wanted to be the first to do any activity, and she told him that was “not okay” and that everyone needed an equal turn. She stated that Pupil A was rude to her because “he knew he could get a different answer from Mr Baxter”. She stated that Pupil A seemed to be pushing the boundaries all day, and when he was asked to do something, he would do the opposite, “thinking he could get away with it”. She stated that Mr Baxter was not addressing Pupil A’s behaviour and other staff members would have to speak with Pupil A to remind him of the appropriate behaviour. Witness E stated that she had spoken with Witness B about Mr Baxter having not addressed Pupil A’s behaviour during the archery activity. In oral evidence, Witness E stated that she had asked Pupil A to “sit out” to have time to regulate because he was not listening to the instructor and was trying to go in front when other children were shooting their arrows. She stated that she would have expected Mr Baxter to support her, not to say nothing at all, albeit acknowledged that Mr Baxter had not opposed her.

Witness E stated that when they returned to the hostel, Pupil A’s behaviour was again “quite heightened”. She stated that Pupil A was one of the pupils that Mr Baxter was responsible for during the trip, but he was not addressing his behaviour and that other members of staff including Witness F, Witness G, [REDACTED] [Individual A] and [REDACTED] [Individual B] were having to intervene. Witness E stated that Mr Baxter undermined the instructions of the other staff member and told Pupil A that [REDACTED] did not need to follow those instructions and could go back to what [REDACTED] was doing. In oral evidence, Witness E explained that there had been an incident outside with

Pupil A [REDACTED]. She stated that Pupil A had been told he could no longer play but was told to carry on by Mr Baxter.

In oral evidence, Witness E confirmed that she had not raised her concerns with Mr Baxter.

Witness B stated that during the [REDACTED] Trip, the pupils were playing football, and Pupil A had become a “bit rough” and had hurt some of the other pupils. She stated that she spoke with Pupil A and told him that he would have to “sit out”. She stated that if Pupil A was “told off” by another staff member, Mr Baxter would take Pupil A off to have another conversation about it rather than leaving it as it was.

In Mr Baxter’s statement, he stated that although Pupil A had been placed in his group, Pupil A was not his sole responsibility, it was not just for him to discipline Pupil A or any child. He stated that, as a team, they all shared an equal responsibility to deal with and manage the behaviour of all children.

The panel noted that, on the one hand, there were concerns that Mr Baxter had appeared to have said something to undermine another staff member, but, on the other hand, that he had failed to support by not saying anything all. In Mr Baxter’s evidence, he gave a credible explanation as to what took place. The panel found all of the evidence to be equally credible but not aligned. In view of the conflicting evidence, the panel found there was not sufficient evidence to tip the balance one way or the other to find this allegation proven.

The panel found this allegation not proven.

In summary, the panel found the following allegations proven 1aiii, 1bi, 1biv, 1ci, 1cii, 1civ, 1ei, 1eiii, 1eiv, 1ev, 2a, 2b, 2c, 2d, 2e, 2f, 2g and 3 proven and the remainder not proven.

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

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

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

The panel first considered whether the conduct of Mr Baxter in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Baxter 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 Baxter in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”).

In acting as found proven at allegation 1c.iv. 1e.v. and 2, Mr Baxter failed to safeguard and promote the welfare of Pupil A, and failed to consider what was in the best interests of Pupil A.

In oral evidence, Mr Baxter confirmed that he had felt validated and needed as a result of the trust that Pupil A placed in him and that there had become a co-dependency between them. The panel acknowledged that there was a [REDACTED] between Pupil A and Mr Baxter but this could not always be characterised as favouritism.

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

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

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

The panel found that none of these offences was relevant.

The panel considered that Mr Baxter’s actions found proven at allegations 1.c.iv, 1.e.v. and 2 were in Mr Baxter’s own interests rather than those of Pupil A as he had developed a dependence upon Pupil A for his own emotional support. In respect of the conduct found proven at allegation 1.e.i, the panel considered that allowing Pupil A to sleep in Mr Baxter’s bed (albeit Mr Baxter slept elsewhere) stepped well outside the boundaries of

a teacher pupil relationship such that it fell significantly short of the standards expected of the profession. In respect of allegation 3, the actions the panel found proven occurred despite Mr Baxter being given safeguarding advice and/or guidance. The panel was concerned that this exacerbated the seriousness of the panel's findings. The panel therefore considered Mr Baxter's actions met the threshold of unacceptable professional conduct in respect of allegations 1.c.iv, 1.e.i, 1.e.v, 2. and 3.

The panel did not consider that the allegations found proven other than at 1.c.iv, 1.e.i., 1.e.v, 2. and 3, considered on an individual basis were sufficiently serious to meet the threshold so as to fall significantly short of the standards expected of the profession. The panel also considered the parts of allegation 1 found proven on a cumulative basis and concluded that there was a pattern of behaviour of failing to maintain appropriate boundaries with Pupil A. Nevertheless, the panel considered that the School had influenced this by encouraging Mr Baxter to act as a "secure base" for Pupil A. Without clear support and guidance from the School, Mr Baxter had taken this to an inappropriate and unwise degree. In those circumstances, the panel did not consider that the cumulative effect of repeated behaviours reached the threshold of amounting to serious misconduct, other than in respect of allegations 1.c.iv, 1.e.i, 1.e.v, 2., and 3.

The panel considered the case of *Bar Standards Board v Howd* [2017] EWHC 210 and in particular whether medical evidence established whether Mr Baxter's behaviour was caused by a medical condition and therefore by factors beyond his control. The panel noted that in *Bar Standards Board v Howd*, the court stated that Mr Howd's behaviour plainly was not reprehensible, morally culpable or disgraceful as it was caused by personal medical factors beyond his control and did not therefore reach the threshold for serious professional misconduct in that case.

The panel therefore considered the [REDACTED].

On balance, the panel considered there was insufficient evidence for it to conclude that Mr Baxter's conduct was attributable to [REDACTED].

For these reasons, the panel was satisfied that the conduct of Mr Baxter in relation to allegation 1.c.iv, 1.e.i., 1.e.v, 2. and 3. amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

For these reasons, the panel found that Mr Baxter's actions in respect of allegations 1.c.iv, 1.e.i., 1.e.v., 2. and 3. constituted unacceptable professional conduct.

In relation to whether Mr Baxter's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role

that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Baxter'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 Baxter was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

With respect to allegations 1.c.iv, 1.e.v. and 2., the panel considered that the public would not expect Mr Baxter to act in his own interests rather than those of Pupil A and to develop a dependence upon Pupil A for his own emotional support. In respect of the conduct found proven at allegation 1.e.i., the panel considered that allowing Pupil A to sleep in Mr Baxter's bed (albeit Mr Baxter slept elsewhere) was not conduct that the public would expect of a teacher. In respect of allegation 3., the actions the panel found proven occurred despite Mr Baxter being given safeguarding advice and/or guidance. The panel considered that the public would expect a teacher to adhere to safeguarding advice and/or guidance given.

For these reasons, the panel considered that Mr Baxter's conduct in respect of allegations 1.c.iv, 1.e.i., 1.e.v., 2. and 3. could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Baxter's actions in respect of allegations 1.c.iv, 1.e.i., 1.e.v., 2. and 3. 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; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings that Mr Baxter had acted in his own interests in developing a dependence on Pupil A, rather than the interests of Pupil A.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Baxter was outside that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Baxter in the profession. Whilst there is evidence that Mr Baxter had ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Baxter in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher since he made decisions motivated by his own vulnerabilities rather than the child's.

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

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

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;
- abuse of position...(particularly involving pupils); and

- failure in their duty of care towards a child, including... failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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 Baxter's actions were not deliberate. The panel accepted that he did not intend to cause harm.

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

Mr Baxter did have a previously good employment history and his references demonstrated that he was known to be an excellent teacher. The panel was required by the Advice to consider whether there was evidence that Mr Baxter had demonstrated exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector. The panel did not consider that there was sufficient evidence that Mr Baxter had met that exceptionally high standard, although the panel noted that his references demonstrated that he was highly valued and that he often exceeded the contribution expected of a dedicated teacher.

The panel saw evidence that showed Mr Baxter was given safeguarding advice and/or guidance following concerns that had been raised, which he subsequently contravened. There was no evidence of Mr Baxter having previously been subject to any disciplinary proceedings or warnings.

In oral evidence, Witness A stated that she had a good working relationship with Mr Baxter whenever she needed to speak with him. She stated that he was receptive to discussing the children in his class and that he knew the children well. She stated that he was seen, in general, as being a "very good teacher" but that she did not have any experience of his teaching practice. She confirmed that he was seen as an asset to the School and to the teaching profession.

Witness D stated in oral evidence that she considered that Mr Baxter was a good teacher, saying that he was "all about the kids" and "what they needed". She stated that she never doubted him as a teacher.

Witness J stated in her witness statement that she thought that Mr Baxter was a good teacher and that she respected him as a professional. She stated that Mr Baxter had a "really nice style of teaching, as he was quite creative so his classroom always looked really nice." She referred to Mr Baxter as always being very respectful towards her.

A number of testimonial statements were provided to the panel by Mr Baxter.

A [REDACTED] who worked with Mr Baxter [REDACTED] stated that Mr Baxter was a “committed member of staff, whether as a volunteer, a teaching assistant or as a teacher. It is worth noting here that many staff within many schools go above and beyond the norm on a daily basis. David was one of those teachers. Many school events would not be able to take place and many roles would not be able to be fulfilled without such members of staff. However, it must be stressed that this can lead to some members of staff being vulnerable to allegations which are similar to the ones I have read about David... Without knowing the detail of what David was expected to do when he was asked to mentor Pupil A, I am aware that such initiatives encourage certain staff members to have closer relationships with certain pupils. These pupils are often vulnerable pupils and immediately professional boundaries can be compromised as this will mean that the member of staff will be expected to meet (either formally or informally) with the pupils during the course of a normal school day and any trips... David was always a very committed member of staff and always gave 100% in every aspect of his work. He always took pride in going above and beyond in terms of his work.”

Another [REDACTED] who worked with Mr Baxter [REDACTED] stated that “Mr Baxter was a hard-working and conscientious teacher. He worked well as part of a team but could use his own initiative and come up with his own ideas. He was very creative and ran an art club as an extra-curricular activity. He was also an active member of the school’s PTA and organised many events for the benefit of the school and the children including a tuck shop, school discos, Christmas and Summer fairs and Halloween events.” She referred to meeting with Mr Baxter when they were reviewing children with SEN in his class and that “he had taken his time to really get to know these children and had looked for ways that he could help them to progress despite their difficulties. He also developed a good relationship with the parents and would ensure that he met with them or had a telephone conversation if he felt that there was a problem. His behaviour management skills were very good and he had a very organised and well run classroom... He spent some of his own money on improving the environment in his classroom and I particularly remember that he purchased a toadstool table and chairs for his reading corner.” This referee stated that she was not aware of any boundaries being broken with regards to staff/pupil relationships and she did not remember any concerns regarding Mr Baxter and safeguarding. She stated that she believed that “he tried very hard to understand all of the children in his class and that he tried to bring out the best in all of them as well. He was caring but professional.”

Another [REDACTED] saw Mr Baxter progress from volunteer to qualified teacher. She stated that Mr Baxter “possesses a deep and thorough understanding of the needs of the children in his class”. She referred to Mr Baxter as being “one of those teachers who thinks outside the box when all other interventions are not coming to fruition” with “a good understanding of how important nurture in the classroom is and looking beyond why a pupil is dysregulated e.g. finding out if they are hungry, they may not have had breakfast or if they are thirsty, they have not slept or had an argument at home”. She stated that “It

would be a great shame for the teaching profession to lose a teacher like David who nurtures and makes such a difference.”

Another [REDACTED] stated that she viewed Mr Baxter as an “excellent teacher”, that he was “supportive and generous with his time”. In her experience, his boundaries with pupils were appropriate, he was well-liked and children enjoyed being in his class.

A referee who was Mr Baxter’s [REDACTED] stated that he found Mr Baxter to be very professional in all aspects of his job as a teacher, that he was conscientious and treated all his pupils on an equal footing. He referred to Mr Baxter as a sociable and well-respected member of staff by both teachers and teaching assistants.

Another [REDACTED] who had known Mr Baxter for [REDACTED] referred to Mr Baxter as having “always been a fully committed, thoughtful and selfless person. He has always invested his time outside of work hours into everything that furthers and supported all aspects of the school community. Dave was a longstanding member of the PTA and donated his time to every event to make sure the school and the children had the best experience. This included planning, implementing those plans, always arranging in person or online the ordering/buying the supplies for the activities/events. Any extras needed used his own time and money when not enough funds were available to make sure that the activity/event would be fully realised.” He referred to this “because it reflects the essence of who David is as a person. Someone who gives his all to his career but goes beyond just being a teacher who teaches (we all appreciate the job is endless). It shows he is someone who role models beyond expectations.” This witness also referred to the many SEN pupils that have thrived in Mr Baxter’s class and “had the one year when they felt they had the best class experience. This is Dave’s ability to adapt and teach and also think on his feet or outside the box to aid that pupil in the moment. All teachers have strengths and skills but I have been fortunate to see Dave teach and see those children [sic] eyes light up in a way that they gain confidence in engaging with their learning, where previously they would withdraw and act out to avoid the learning activity.” He stated that Mr Baxter was “one of the most dedicated staff members I have had the pleasure to work with.” This referee also referred to former pupils asking after Mr Baxter and who have told this referee that Mr Baxter was the best or favourite teacher they had, and they never had a teacher like him again. He stated that their reasons vary “I didn’t like learning I hated school but he would listen, like not just listen but take notice and he would then teach it in a way that made sense, he would make it a game and I don’t know why but he taught it in a way I could understand. No other teacher would do that.”

Pupil A’s parents provided a statement. This stated that Pupil A worked well with Mr Baxter on the whole, and they believed that this was because of Mr Baxter’s belief in him, and his patience. They referred to Pupil A’s behaviour having declined [REDACTED]. They referred to Pupil A being adamant that Mr Baxter was a good person and a great teacher who never gave up on Pupil A, even by Pupil A’s own admission,

when [REDACTED] was “being bad”. The parents referred to Pupil A enjoying having been in his class and having Mr Baxter as a teacher, and Pupil A felt liked. They stated that they agreed that Mr Baxter tried his hardest with Pupil A, more so than any other teacher, that Mr Baxter had made some bad choices, which he may not have made “if he wasn’t stressed and down.”

The panel noted from the references that Mr Baxter was someone who goes above and beyond for the pupils and the school community and that he was well thought of with regards to his ability to nurture and develop SEN pupils. The panel considered that it was natural for Mr Baxter to be given a specific role in developing Pupil A given his particular skill set. However, that role was poorly defined by the School and Mr Baxter allowed the professional boundaries to be blurred, in circumstances where he felt increasingly tired, run down and not having the ability to “switch off”. Mr Baxter has recognised that the demands of the role were intruding into his own time and that he became [REDACTED].

Mr Baxter has referred to having many regrets about his behaviour and conduct. He referred to being mortified “that I burdened a [REDACTED] with my issues and used him as an emotional support to meet my own needs. It was my clear responsibility to protect him from such issues and I deeply regret that it impacted him and caused him confusion and worry.” With respect to the residential trip, Mr Baxter has referred to his biggest regret being that he gave up his bedroom for Pupil A to sleep in, and that if he could turn back time, he would not have put Pupil A in the position where he had to be questioned by the police, would not have put himself in a vulnerable position, nor put his colleagues in a position where they had to report such an incident. He also referred to regretting not having been more forceful in asking for support with Pupil A.

Whilst the panel noted Mr Baxter’s expression of regret, it remained concerned that Mr Baxter did not appear to recognise the extent to which his decisions exceeded professional boundaries or their impact on others. The panel was concerned that they were left with the impression that there remained aspects of Mr Baxter’s poor decisions that he continued to seek to justify.

[REDACTED] Mr Baxter has stated that, in future, he is sure that he would be able to recognise his own needs and request help.

[REDACTED]

Mr Baxter referred to having learned from his mistakes and to guaranteeing that he would not make them again, saying that he is more astute at recognising concerns and the importance of dealing with them in an appropriate way. He has stated that he would never put himself or a child in a vulnerable position. The catastrophic impact on Mr Baxter’s life that he has experienced could act as a deterrent from putting himself at risk in the future.

[REDACTED]

[REDACTED]

[REDACTED] There were no references before the panel from current colleagues or those supporting Mr Baxter indicating that Mr Baxter's resilience has improved, or that he has engaged with children without these issues recurring. There was no evidence that Mr Baxter had undertaken any material learning to enable him to fully comprehend the importance of maintaining appropriate boundaries. In the absence of such evidence, the panel did not have sufficient assurance that there was a reduced risk of recurrence. Given that Mr Baxter is someone who goes above and beyond in his role, the sense of validation he receives from this poses a risk. The panel did not see any evidence that he has appreciated that risk, or that he has effective strategies in place to minimise that risk.

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 Baxter 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 Baxter. His development of a dependence upon Pupil A and the panel's concern that the risk had not been sufficiently mitigated was a significant factor 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.

In light of the panel's comments above regarding the risk of repetition, 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 after 2 years. The panel had regard to the fact that the conduct took place over a short period of time, with no concerns having been raised previously. The panel also had regard to the time that has passed since these events in which Mr Baxter had [REDACTED]. Taking these factors into consideration, the panel considered that the shortest period available for Mr Baxter to have the opportunity to have the prohibition order set aside was appropriate in this case.

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/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven, and/or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Baxter 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 Baxter involved breaches of the responsibilities and duties set out in statutory guidance '*Keeping children safe in education*'.

The findings of misconduct are serious as they include a teacher engaging in conduct that stepped well outside the boundaries of a teacher pupil relationship such that it fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may 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 Baxter, 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 offers this observation:

“There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings that Mr Baxter had acted in his own interests in developing a dependence on Pupil A, rather than the interests of Pupil A.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“Whilst the panel noted Mr Baxter’s expression of regret, it remained concerned that Mr Baxter did not appear to recognise the extent to which his decisions exceeded professional boundaries or their impact on others. The panel was concerned that they were left with the impression that there remained aspects of Mr Baxter’s poor decisions that he continued to seek to justify.”

In my judgement, the lack of evidence that Mr Baxter has yet to develop full insight into his actions and their impact 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 offers this observation:

“With respect to allegations 1.c.iv, 1.e.v. and 2., the panel considered that the public would not expect Mr Baxter to act in his own interests rather than those of Pupil A and to develop a dependence upon Pupil A for his own emotional support. In respect of the conduct found proven at allegation 1.e.i., the panel considered that allowing Pupil A to sleep in Mr Baxter’s bed (albeit Mr Baxter slept elsewhere) was not conduct that the public would expect of a teacher. In respect of allegation 3., the actions the panel found proven occurred despite Mr Baxter being given safeguarding advice and/or guidance. The panel considered that the public would expect a teacher to adhere to safeguarding advice and/or guidance given.

For these reasons, the panel considered that Mr Baxter’s conduct in respect of allegations 1.c.iv, 1.e.i., 1.e.v., 2. and 3. could potentially damage the public’s perception of a teacher.”

I am particularly mindful of the panel’s finding of a teacher acting in his own interests rather than those of a pupil’s and the negative impact that such a finding may have on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Baxter himself. The panel offers these comments:

“Mr Baxter did have a previously good employment history and his references demonstrated that he was known to be an excellent teacher. The panel was required by the Advice to consider whether there was evidence that Mr Baxter had demonstrated exceptionally high standards in his personal and professional conduct or

that he had contributed significantly to the education sector. The panel did not consider that there was sufficient evidence that Mr Baxter had met that exceptionally high standard, although the panel noted that his references demonstrated that he was highly valued and that he often exceeded the contribution expected of a dedicated teacher.”

A prohibition order would prevent Mr Baxter 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 seriousness of the misconduct found, which included a teacher engaging in conduct that stepped well outside the boundaries of a teacher pupil relationship such that it fell significantly short of the standards expected of the profession.

I have also placed considerable weight on the finding of the panel that Mr Baxter has yet to develop full insight into his behaviour and its impact on others. I also note its findings that there was no evidence that his behaviour was not deliberate, nor that it was committed under extreme duress. In addition, I have noted and given weight to these comments from the panel regarding the risk of repetition:

“There were no references before the panel from current colleagues or those supporting Mr Baxter indicating that Mr Baxter’s resilience has improved, or that he has engaged with children without these issues recurring. There was no evidence that Mr Baxter had undertaken any material learning to enable him to fully comprehend the importance of maintaining appropriate boundaries. In the absence of such evidence, the panel did not have sufficient assurance that there was a reduced risk of recurrence.”

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

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

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

In doing so, the panel has referenced the Advice as follows:

“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.”

I have considered the panel’s concluding comments:

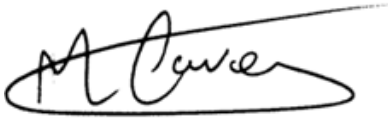
“In light of the panel’s comments above regarding the risk of repetition, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after 2 years. The panel had regard to the fact that the conduct took place over a short period of time, with no concerns having been raised previously. The panel also had regard to the time that has passed since these events in which Mr Baxter had [REDACTED]. Taking these factors into consideration, the panel considered that the shortest period available for Mr Baxter to have the opportunity to have the prohibition order set aside was appropriate in this case.”

I have considered whether a two-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 I agree with the panel that allowing such a review period is sufficient and appropriate to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct found and the need to allow Mr Baxter the necessary time to develop full insight into his actions and to show that the risk of a repetition is negligible before he might return to the profession.

This means that Mr David Baxter 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 **4 August 2028**, two 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 Baxter remains prohibited from teaching indefinitely.

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

Mr Baxter 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 'M. Cavey', enclosed within a horizontal oval shape.

Decision maker: Marc Cavey

Date: 4 August 2026

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