



National College for
Teaching & Leadership

Mr Keith John Wright: Professional conduct panel outcome

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

April 2016

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

Teacher: Mr Keith John Wright

Teacher ref number: 9940575

Teacher date of birth: 13 January 1966

NCTL case reference: 10181

Date of determination: 19 April 2016

Former employer: Testbourne Community School, Whitchurch

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 18 and 19 April 2016 at Ramada Hotel & Suites, Butts, Coventry CV1 3GG to consider the case of Mr Keith John Wright.

The panel members were Mrs Kathy Thomson (teacher panellist - in the chair), Dr Melvyn Kershaw (teacher panellist) and Mr Chris Rushton (lay panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson solicitors.

Mr Wright was neither present nor represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 12 February 2016.

It was alleged that Mr Keith John Wright was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Testbourne Community School, Whitchurch during 2000 and/or 2001:

1. Engaged in an inappropriate relationship with Pupil A whilst she was a pupil in Year 11, in that he:
 - a. gave her his personal mobile number;
 - b. exchanged text messages with her on one occasion or more;
 - c. met with her alone outside of school on one occasion or more, including:
 - i. in his car when you met at the Silk Mill Car Park in Whitchurch;
 - ii. in his room at his home;
 - d. drove her to a pub outside of Whitchurch:
 - i. on one occasion or more;
 - ii. where he bought her an alcoholic drink;
 - e. engaged in conduct of a sexual nature with her on one occasion or more, including:
 - i. kissing;
 - ii. touching her breast(s) over clothing;
 - iii. touching her crotch area over clothing;
 - iv. allowing her to touch his crotch area over clothing;
 - v. putting his finger(s) into her vagina;
 - vi. kissing her breasts;
 - vii. performing oral sex on her;
 - viii. by attempting to engage in sexual intercourse, in that he attempted to penetrate her vagina with his penis;
 - ix. allowing her to perform oral sex on him;
 - x. by showing her pornographic material on his laptop.
2. On at least one occasion he:
 - a. collected Pupil B in his car;
 - b. took Pupil B to a pub with Pupil A;
 - c. introduced Pupil A and Pupil B to a friend of his who was a male adult;

- d. bought or allowed his friend to buy alcohol for Pupil B;
 - e. took Pupil A and Pupil B back to his friend's home.
3. Shortly after Pupil A had completed her GCSE examinations, in June or July 2001, he engaged in sexual activity with her, in that she masturbated him in his bedroom.
 4. Mr Wright's conduct as set out at 1 and/or 2 and/or 3 above was sexually motivated.

Mr Wright denied the allegations.

C. Preliminary applications

Proceeding in absence

The panel considered an application by the presenting officer for the hearing to proceed in the absence of Mr Wright. The panel were satisfied that proceedings had been served on Mr Wright in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Disciplinary Procedures").

The Notice of Proceedings had been sent to Mr Wright by letter of 12 February 2016 and it was sent to the address known to the NCTL. It also included the information required to be included in accordance with Rule 4.12.

The panel then considered whether it was appropriate to proceed in the absence of Mr Wright. Mr Wright was aware of the proceedings and the nature of the allegations being made against him. As long ago as 14 March 2015, Mr Wright had indicated in an email that he would, "...not be attending any probable future hearing".

As recently as 15 April 2016, Mr Wright had sent a further email which contains details of the date of hearing and the inference to be drawn from the content of that email was that, despite being aware of the hearing, he did not intend to attend.

The panel had considered carefully each of the criteria set out in *R v Jones* and *Tate v Royal College of Veterinary Surgeons*. Mr Wright was aware of the nature of the allegations against him, and he had not requested an adjournment despite being aware of today's hearing.

In the circumstances, the panel were satisfied that Mr Wright had voluntarily absented himself and had waived his right to attend. The panel concluded that an adjournment would serve no purpose particularly because Mr Wright had not, at any stage, indicated that he wished to be represented.

The panel decided that it was in the public interest that this case should proceed. The panel also bore in mind that both Pupil A and Pupil B were attending to give evidence.

The panel will take into consideration the fact that the allegations were denied when considering the evidence presented by the NCTL.

Additional documents

The presenting officer applied to introduce additional documents which had not been served in accordance with paragraph 4.20 of the Disciplinary Procedures.

The panel were satisfied that it was reasonable to conclude that the additional documents which the presenting officer wished to submit may be relevant to the case.

The panel also concluded that it would be fair to admit the documents into evidence at this stage.

These additional documents had been sent to Mr Wright by email of 14 April 2016 and, having considered the documents, he had provided his observations on their content which the panel would take into account. There was no indication that Mr Wright objected to the admission of the documents at this stage.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list - pages 2 to 3

Section 2: Notice of Proceedings and Response - pages 5 to 12

Section 3: NCTL witness statements - pages 14 to 29

Section 4: NCTL documents - pages 31 to 88.

Section 5: Teacher documents - pages 90 to 91

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

The additional documents admitted into evidence on the morning of the hearing were paginated numbers 88A to 88R.

Witnesses

The panel heard oral evidence from

1. Pupil A
2. Pupil B

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Brief Summary

In or about September 2000, Mr Wright commenced employment at Testbourne Community School Whitchurch as a science teacher. Pupil A was in Year 11 in the academic year 2000/2001 with the aim of sitting her GCSEs in the summer term of 2001.

Pupil A was taught science by Mr Wright.

It was alleged that in the academic year 2000/2001, Mr Wright engaged in an inappropriate sexual relationship with Pupil A.

This relationship was not reported by Pupil A to the Police until March 2013, some thirteen years after it was alleged to have taken place. Mr Wright was charged with various criminal offences of a sexual nature but, following a trial in the Crown Court, was acquitted.

Findings of fact

Our findings of fact were as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

- 1. You engaged in an inappropriate relationship with Pupil A whilst she was a pupil in Year 11, in that:**
 - a. gave her your personal mobile number;**

Mr Wright stated that he had no recollection of giving Pupil A his personal mobile number. If he had done so, Mr Wright stated it would have been towards the end of Pupil A's time as a pupil in order to arrange extra tuition.

With regard to the timing of not only this event but generally, the panel had considered carefully the Judge's summing up in the criminal trial. As a result of the nature of the charges, the age of Pupil A when the sexual contact took place between her and Mr Wright was critical to the criminal case. However, for the purposes of these proceedings, what was of central importance was whether, throughout the period in which events as alleged took place, Pupil A was a pupil at the school. The panel found that she was.

Pupil A stated that it was in or about October 2000 that Mr Wright provided her with his personal mobile number. Pupil A confirmed in her evidence that she was attracted to Mr Wright and had said to him that she had a, "soft spot" for him. Mr Wright responded, saying words to the effect of, "I feel like I have found the woman of my dreams but she is too young". As she was walking away to leave the room, Mr Wright then provided her with his mobile number which he had written on a piece of paper.

The panel had had the benefit of not only a very detailed written statement from Pupil A but also of hearing her give oral evidence. The panel considered that Pupil A was a reliable and credible witness who, in the course of giving her evidence, stated on more than one occasion that she may not have an accurate recollection of certain elements of what took place. However, on the issues of greatest materiality, she remained steadfast and gave her evidence in a measured way.

The panel preferred Pupil A's account and found that it was in October 2000 that Mr Wright gave Pupil A his personal mobile number. Further, the panel found that the reason he gave Pupil A his personal mobile number was nothing to do with making arrangements for extra tuition but was in the expectation of communicating with Pupil A for reasons which were personal and thereby inappropriate.

The panel found this particular proved.

b. exchanged text messages with her on one occasion or more;

Again, Mr Wright maintained that any text messages would have been to arrange extra tuition. Pupil A confirmed, and the panel found, that she sent a text to Mr Wright later that evening. Mr Wright replied, asking Pupil A to meet him at the Silk Mill Car Park in Whitchurch.

Pupil A also stated that, on subsequent occasions, Mr Wright and she would exchange texts in order to arrange to meet outside the school.

Consequently, the panel found this particular proved.

c. met with her alone outside of school on one occasion or more, including:

i. in your car when you met at the Silk Mill Car Park in Whitchurch;

Pupil A met with Mr Wright at Silk Mill Car Park in Whitchurch and Mr Wright would then drive to a more secluded place. This happened on several occasions and on each occasion, Pupil A and Mr Wright engaged in sexual activity.

The panel found this particular proved.

ii. in your room at your home;

Having met with Mr Wright on a number of occasions and having spent time in his car, Mr Wright then suggested that Pupil A should go with him to his house.

Mr Wright shared his house with another person. Having been introduced to him, Pupil A then went with Mr Wright into his bedroom which was located on the ground floor of the house. The panel noted the detailed description of the room provided by Pupil A and found that Pupil A met Mr Wright at his home on several occasions. Pupil B confirmed that Pupil A had informed her of this at the time.

The panel therefore found this particular proved.

d. drove her to a pub outside of Whitchurch:

i. on one occasion or more;

ii. where you bought her an alcoholic drink;

Whilst it is suggested by Mr Wright that it had been proved, in a court of law, that he drove Pupil A to a pub outside Whitchurch sometime after she had left school, the panel was not satisfied that this was the case.

Pupil A stated that during the school week, Mr Wright had taken her to a pub one evening after school in Micheldever. Pupil A stated, and the panel found, that Mr Wright took her to pubs outside of Whitchurch on about 3 or 4 occasions. On one such occasion, Pupil B accompanied them.

When at the pub, Mr Wright purchased Pupil A vodka.

In the circumstances, the panel found particulars d i and ii proved.

e. engaged in conduct of a sexual nature with her on one occasion or more, including:

i. kissing;

ii. touching her breast(s) over clothing;

iii. touching her crotch area over clothing;

iv. allowing her to touch your crotch area over clothing;

v. putting your finger(s) into her vagina;

vi. kissing her breasts;

vii. performing oral sex on her;

- viii. **by attempting to engage in sexual intercourse, in that you attempted to penetrate her vagina with your penis;**
- ix. **allowing her to perform oral sex on you;**
- x. **by showing her pornographic material on your laptop.**

Whilst particulars i to x of allegation 1e were denied by Mr Wright, the panel found them proved.

The panel had already concluded that Pupil A was a credible and reliable witness who had not attempted to embellish or exaggerate her evidence. Furthermore, the panel had had the benefit of a written statement from Pupil B who also attended to give oral evidence. Pupil B also impressed the panel as a reliable and credible witness who gave her evidence in a balanced way, volunteering when she was unable to assist the panel on any particular point.

In addition, in reaching its conclusion that Mr Wright had formed a sexual relationship with Pupil A, it took into consideration the following:

- (a) an entry in Pupil A's yearbook written by Mr Wright which stated as follows:

"Hiya Pupil A

It's been a pleasure to teach such a charming young lady over the past year. Remember don't postpone anything that will add laughter, fun and happiness to your love, believe in love at first sight and close your eyes when you kiss - its rude to stare.

All the best, love

Keith xxx"(sic)

- (b) Pupil B's entry in Pupil A's yearbook read as follows:

"Hello Pupil A

*Well I'm certainly going to miss seeing you every day and getting my daily updates about wots [sic] happening with ***** you know who I mean."*

In her evidence, Pupil B confirmed that she was referring to Mr Wright.

- (c) In the course of the evidence he gave in his trial at the Crown Court summarised by His Honour Judge Boney QC, Mr Wright stated:

"I knew her feelings for me, that she had a soft spot, but I had said that I was her teacher, and it could not happen. By Easter I thought she was a terrific girl and I

wasn't in another relationship at the time. By Easter I saw her once or twice a week."

Later on, in answer to a question: "*What about when it went beyond a kiss?*" Mr Wright responded:

"That was in June or July. I remember her being in my bedroom, and she masturbated me. That was, though, after she had left school."

Whilst the panel did not accept, for the reasons outlined below in respect of allegation 3, that this event took place in June or July 2001, it was clear that Mr Wright himself gave evidence about a sexual relationship with Pupil A. Furthermore, whilst he suggested that this took place after Pupil A had left school, the panel found that she remained a pupil at the school until the end of August 2001.

On the first occasion Mr Wright arranged to meet with Pupil A, they kissed in a way described by Pupil A as, "...passionately with open mouths" and he touched her breasts and her crotch area over her clothing. Furthermore, Pupil A touched Mr Wright in his crotch area over his jeans.

Pupil A stated that she provided Pupil B with a detailed account of what had taken place and Pupil B confirmed that she had told her about this encounter.

On this basis, the panel found allegation 1e i to iv proved.

When the meetings between Mr Wright and Pupil A had progressed to take place in his bedroom at his home, Pupil A provided a detailed account of the sexual activity which took place confirming that both she and Mr Wright would be naked and he would put his finger in her vagina, kiss her breasts, and perform oral sex on Pupil A.

The panel accepted Pupil A's evidence and found particulars 1e v vi and vii proved.

At later meetings which took place between Pupil A and Mr Wright, again in his bedroom at his home, Mr Wright attempted to engage in sexual intercourse but Pupil A found this painful. They attempted to have sexual intercourse on approximately 6 or 7 occasions in total. However, this continued to prove too painful for Pupil A who then performed oral sex on Mr Wright.

On occasions, this took place when Mr Wright was showing her pornographic material on his laptop before attempting to have sexual intercourse.

Pupil B confirmed that Pupil A had informed her that she had performed oral sex on Mr Wright and had described to Pupil B how Mr Wright had shown pornographic material on his laptop.

On this basis, the panel found particulars 1e.viii, ix and x proved.

In the circumstances, the panel found allegation 1, namely that Mr Wright had engaged in an inappropriate relationship with Pupil A whilst she was a pupil in Year 11, proved.

2. On at least one occasion you:

- a. collected Pupil B in your car;
- b. took Pupil B to a pub with Pupil A;
- c. introduced Pupil A and Pupil B to a friend of yours who was a male adult;
- d. bought or allowed your friend to buy alcohol for Pupil B;
- e. took Pupil A and Pupil B back to your friend's home.

Both Pupil A and Pupil B gave consistent evidence in relation to this allegation.

Whilst Pupil B was not entirely sure of the date when this took place, she was asked by Pupil A to accompany her and Mr Wright to a pub. Pupil B agreed and they met up with a friend of Mr Wright at the pub.

Mr Wright and his friend, who was divorced, bought Pupil A and B alcoholic drinks and, on leaving the pub, returned to the home of Mr Wright's friend.

Pupil B recalls Mr Wright kissing Pupil A on the lips in a sexual way both in the car and in the front room of the house. Pupil A saw Pupil B kissing Mr Wright's friend when in the house.

Consequently, the panel found allegation 2a to e proved.

4. Your conduct as set out at 1 and/or 2 and/or 3 above was sexually motivated.

The panel took account of the fact that, other than the facts giving rise to these allegations, there was no evidence to suggest that, prior to his relationship with Pupil A, Mr Wright had anything other than a good history and the panel also took full account of the character references he had provided.

However, taking account of its findings of fact in respect of allegation 1, the panel concluded that his conduct was sexually motivated.

Furthermore, the panel reached the same conclusion with regard to allegation 2. On the basis of the evidence on which the panel found allegation 1 proved and taking account of its findings of fact in relation to the occasion when Mr Wright took Pupils A and B to a pub and met with a friend of his, the panel concluded it was justified in drawing the inference that his conduct in doing so was sexually motivated.

The panel found the following particular not proved:

3. Shortly after Pupil A had completed her GCSE examinations, in June or July 2001, you engaged in sexual activity with her, in that she masturbated you in your bedroom.

Pupil A had not given any evidence in support of this allegation. Pupil A stated that, immediately after her examinations finished, which was in early June 2001, she left to go on holiday with her family in Devon. This allegation relied on evidence given by Mr Wright himself in the course of his Crown Court trial. Whilst Pupil A had provided evidence that she masturbated Mr Wright in his bedroom, this related to an earlier time.

In the circumstances, the panel found this allegation not proved.

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

The panel was satisfied that, in respect of the allegations found proved, Mr Wright was guilty of unacceptable professional conduct and conduct likely to bring the profession into disrepute. His behaviour was of a serious nature, falling significantly short of the standard expected of a teacher.

In the judgment of the panel, based on its experience of the expected standard of teacher conduct at the material time, and despite the absence of any formal Teacher Standards in force, Mr Wright's conduct fell significantly short of what would have been expected.

In conducting the sexual relationship with Pupil A, and by behaving in the way that he did towards both Pupil A and Pupil B, Mr Wright had failed:

- (a) to demonstrate consistently high standards of personal and professional misconduct;
- (b) to treat pupils with dignity and to build a relationship rooted in mutual respect;
- (c) to observe proper boundaries appropriate to his position as a teacher;
- (d) to have regard for the need to safeguard the wellbeing of impressionable pupils as opposed to taking advantage of their vulnerability;
- (e) to act as a role model, taking account of the uniquely influential position a teacher can hold in pupil's lives.

Whilst such expectations are drawn from the current Teachers' Standards, the panel considered that such standards would also have been an expectation at the time of Mr Wright's inappropriate conduct in 2000/2001.

Panel's recommendation to the Secretary of State

The panel was satisfied that Mr Wright's behaviour was wholly incompatible with being a teacher. This conduct represented a gross breach and abuse of the position of trust held by teachers.

The panel had considered the Guidance entitled "Teacher Misconduct: The prohibition of teachers".

This was deliberate behaviour and the panel was struck by the consequences of it. It was evident that Pupil A's academic progress and fulfilment had been prejudiced by Mr Wright's conduct. It was Pupil A's belief that, having been distracted by Mr Wright during her GCSE year, she failed to meet her potential. It was also an ongoing reason for distress and upset. The panel also noted that, when he formed the relationship with Pupil A, she had recently lost her mother in tragic circumstances.

Sexual misconduct of this seriousness inevitably ran the risk of undermining pupils, the school and the profession. It must follow that such conduct was likely to bring the profession into disrepute.

In reaching its decision on the appropriate recommendation to make to the Secretary of State, the panel had taken into consideration the references submitted by Mr Wright which were supportive and relevant. There was also no evidence to suggest that Mr Wright was anything other than a competent teacher.

Nevertheless, Mr Wright had denied that any improper relationship had existed up until June or July 2001. However, even in June or July 2001 when Mr Wright suggested that sexual activity had taken place, Pupil A remained a pupil at the school. Therefore, even on his own case, Mr Wright had acted wholly improperly.

There was no indication of any insight or remorse having been shown by Mr Wright. Indeed, in one email to the NCTL, Mr Wright says, "I have done nothing wrong". The panel concluded that the risk of repetition of such behaviour was significant. It considered that the fact that this relationship had begun within a short period of his starting his teaching career and commencing his job at the school was an aggravating factor.

In considering whether it was in the public interest to recommend to the Secretary of State that a prohibition order should be made, the panel decided that all three elements of the public interest test were engaged namely: the protection of pupils; the maintenance of public confidence in the profession, and upholding proper standards of conduct.

On the facts, the panel was satisfied that a prohibition order was necessary and proportionate in order to maintain the reputation of the profession and the public's trust in the profession. This was the panel's recommendation.

The panel further considered whether to recommend that Mr Wright should be entitled to apply for the prohibition order to be set aside after a specified period or whether there should be no such provision.

Taking account of the seriousness of the sexual misconduct, the lack of insight or any remorse on the part of Mr Wright, and the judgment of the panel that the risk of repetition was a significant factor, the panel recommended that a review period would not be appropriate. Consequently, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have considered very carefully the findings and recommendations of the panel in this case. I have noted where the panel has made findings of fact and unacceptable professional conduct, and conduct likely to bring the profession into disrepute. I note where the panel has made no such finding and I have put this from my mind.

The panel's judgement, based on its experience of the expected standard of teacher conduct at the material time, is that Mr Wright's conduct fell significantly short of the standard expected of a teacher. I agree with that view.

In conducting the sexual relationship with Pupil A, and by behaving in the way that he did towards both Pupil A and Pupil B, Mr Wright had failed:

- (a) to demonstrate consistently high standards of personal and professional misconduct;
- (b) to treat pupils with dignity and to build a relationship rooted in mutual respect;
- (c) to observe proper boundaries appropriate to his position as a teacher;
- (d) to have regard for the need to safeguard the wellbeing of impressionable pupils as opposed to taking advantage of their vulnerability;
- (e) to act as a role model, taking account of the uniquely influential position a teacher can hold in pupil's lives.

Whilst such expectations are drawn from the current Teachers' Standards, the panel considered that such standards would also have been an expectation at the time of Mr Wright's inappropriate conduct in 2000/2001.

Mr Wright's conduct represented a gross breach and abuse of the position of trust held by teachers. I note that the panel found Mr Wright's behaviour deliberate and were struck by the consequences of it. I agree with the panel's view that sexual misconduct of this

seriousness inevitably ran the risk of undermining pupils, the school and the profession. There was no indication of any insight or remorse having been shown by Mr Wright.

I have considered the public interest in this case. I agree with the panel that all three of the public interest tests were engaged namely: the protection of pupils; the maintenance of public confidence in the profession, and upholding proper standards of conduct.

I note that on the facts, the panel was satisfied that a prohibition order was necessary and proportionate in order to maintain the reputation of the profession and the public's trust in the profession. I agree with the panel that prohibition is both proportionate and appropriate.

I now turn to the matter of a review period. Taking account of the seriousness of the sexual misconduct, the lack of insight or any remorse on the part of Mr Wright, and the judgement of the panel that the risk of repetition was a significant factor, the panel recommended that a review period would not be appropriate.

Due to the serious sexual misconduct in this case and for the reasons set out above, I agree with the panel's recommendation, that a prohibition order should be imposed and that no review period should be allowed.

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

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

Mr Wright has a right of appeal to the Queen's Bench Division of 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 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 21 April 2016

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