



Teaching  
Regulation  
Agency

# **Mr Thomas Kenwright: Professional conduct panel meeting outcome**

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

**February 2021**

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

<b>Teacher:</b>	Mr Thomas Kenwright
<b>Teacher ref number:</b>	1254765
<b>Teacher date of birth:</b>	19 August 1988
<b>TRA reference:</b>	18979
<b>Date of determination:</b>	15 February 2021
<b>Former employer:</b>	Brighton College (Independent School)

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened, by virtual means, on 15 February 2021 to consider the case of Mr Thomas Kenwright.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Dawn Hawkins (teacher panellist) and Mr Paul MacIntyre (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Thomas Kenwright that the allegations be considered without a hearing. Mr Kenwright provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Kenwright or his representative.

The meeting took place in private. The announcement of the panel’s decision was recorded.

## **Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 27 January 2021.

It was alleged that Mr Thomas Kenwright was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed at the Brighton College:

1. During the period November 2018 to November 2019, he failed to maintain appropriate professional boundaries with respect to one or more pupils in that he:
  - a. Met with Pupil A 1:1 in his residential flat, including late at night;
  - b. Met with Pupil A, B and/or C in his residential flat;
  - c. Allowed them to consume alcohol on one or more occasions'
  - d. Allowed them to smoke and/or vape on one or more occasions.
2. He requested that one or more pupils keep his conduct at Allegation 1 a secret and/or not to discuss this with anyone else.
3. His behaviour, as may be found proven in allegation 2 above was dishonest and/or lacked integrity in that he attempted to conceal his conduct at allegation 1.

Mr Kenwright admitted the facts alleged in allegations 1 (a) to (d), 2 and 3 and signed a Statement of Agreed Facts to that effect.

Mr Kenwright also admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary applications**

There were no preliminary applications

## **Summary of evidence**

### **Documents**

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

Section 1: Anonymised pupil list – page 2

Section 2: Notice of Referral, Response and Notice of Meeting – pages 4 to 8

Section 3: Statement of Agreed Facts and witness statements – pages 9 to 18

Section 4: Teaching Regulation Agency documents – pages 20 to 217

Section 5: Teacher documents – page 219

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

## **Statement of Agreed Facts**

The panel considered a Statement of Agreed Facts which was signed by Mr Kenwright on 27 October 2020.

## **Decision and reasons**

The panel announced its decision and reasons as follows.

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Thomas Kenwright for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Thomas Kenwright was employed as a teacher and director of drama and deputy housemaster at Brighton College (“the School”), from 3 January 2017. In his role as deputy housemaster, he had a residential role, supporting the housemaster and housemistress in the running of a boarding house.

On 29 November 2019, a pupil from another boarding house raised concerns regarding Mr Kenwright’s behaviour towards Pupils A, B and C. It was alleged that, on more than one occasion, Mr Kenwright had permitted Pupil A, Pupil B and Pupil C to attend his residential flat. It was further alleged that Mr Kenwright supplied those pupils with alcohol, cigarettes and/or vapes to use in his presence. Pupil A and Pupil B were 16 and Pupil C was 15 years of age at the time. Mr Kenwright resigned on 2 December 2019.

Mr Kenwright admitted the facts alleged in allegations 1(a) to (d), 2 and 3, and signed a Statement of Agreed Facts to that effect.

## Findings of fact

The findings of fact are as follows:

**It was alleged that you were guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed at the Brighton College:**

- 1. During the period November 2018 to November 2019, you failed to maintain appropriate professional boundaries with respect to one or more pupils in that you:**
  - a. Met with Pupil A 1:1 in your residential flat, including late at night;**
  - b. Met with Pupil A, B and/or C in your residential flat;**
  - c. Allowed them to consume alcohol on one or more occasions'**
  - d. Allowed them to smoke and/or vape on one or more occasions.**

Mr Kenwright admitted that, on more than one occasion, he met with Pupil A, one to one, in his residential flat, including late at night. Mr Kenwright further admitted that, during these occasions, Pupil A was permitted to use, and was supplied, with cigarettes, vapes and alcohol. Mr Kenwright admitted that the cigarettes, vapes and alcohol were in his residential flat and were not brought in by Pupil A.

The panel noted that the College's Staff Code of Conduct stated that members of staff should:

*'Ensure that parents, carers and/or a senior member of staff authorises all out of school contact with pupils. Any regular out of school contact with pupils (e.g. coaching at a local sports, teaching at Sunday school etc.) should be communicated to the safeguarding team by members of staff. Avoid inviting pupils into your home or personal living space. In boarding houses this is acceptable if the purpose of the visit is clear and appropriate'.*

The panel was satisfied that Mr Kenwright's conduct was in clear breach of this requirement in that the reasons for the visits to his residence were neither authorised nor appropriate.

Mr Kenwright also admitted that, on one or more occasions, he allowed Pupils A, B and C to attend his residential flat. Mr Kenwright further admitted that on these occasions he supplied Pupils A, B and C with alcohol, cigarettes and/or vapes to use whilst in his

presence. Mr Kenwright also admitted that the alcohol, cigarettes and vapes were kept in his residence and were not brought by Pupil A, B or C.

The panel noted that the accounts given by the pupils concerned contained specific details as to the type of alcohol that they consumed.

Mr Kenwright accepted that his conduct in 1(a) to (d) represented a failure to maintain appropriate professional boundaries with Pupils A, B and C. The panel agreed with that admission.

The panel found allegation 1(a) to (d) proved.

**2. You requested that one or more pupils keep your conduct at Allegation 1 a secret and/or not to discuss this with anyone else.**

Mr Kenwright admitted that he had requested Pupils A, B and C to keep their meetings, consumption of alcohol and smoking and/or vaping in his presence a secret and/or not to discuss this with anyone else. The panel noted that the pupils had informed the School's investigation at an early stage that Mr Kenwright had urged them to not disclose their visits to his flat.

The panel found allegation 2 proved.

**3. Your behaviour, as may be found proven in allegation 2 above was dishonest and/or lacked integrity in that you attempted to conceal his conduct at allegation 1.**

Mr Kenwright admitted that he sought to conceal his conduct through asking Pupil A, B and/or C to keep their meetings a secret.

Mr Kenwright also admitted that his instruction to Pupils A, B and/or C to keep their meetings, consumption of alcohol and smoking and vaping in his presence a secret amounted to dishonesty and conduct lacking integrity.

As to dishonesty, the panel was satisfied that Mr Kenwright's admissions that he had sought to conceal his conduct meant that his actions were deliberate. The panel was satisfied that any teacher asking pupils to keep his conduct secret and not to discuss them with anybody else would be regarded as dishonest by ordinary decent people. The panel was, therefore, satisfied that Mr Kenwright's conduct was dishonest.

As to lacking integrity, the panel was satisfied that Mr Kenwright's conduct was a breach of the ethical standards of the teaching profession and, therefore, amounted to a lack of integrity.

Accordingly, the panel found that Mr Kenwright's conduct was dishonest and lacked integrity.

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

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

Mr Kenwright admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel took these admissions into account, but made its own determinations.

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 was satisfied that the conduct of Mr Kenwright, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Kenwright 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 also considered whether Mr Kenwright's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.



Nevertheless, the panel was satisfied that the conduct of Mr Kenwright was serious and fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Kenwright was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and 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 they behave.

Mr Kenwright's conduct in question here took place frequently late at night in his private accommodation supplied by the School and on the School grounds. The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Kenwright's actions constituted conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the protection of pupils given the serious findings of failing to maintain appropriate professional boundaries with pupils.

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

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

Notwithstanding 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 Kenwright.

In carrying out the balancing exercise, the panel had regard to the public interest considerations in favour of prohibition as well as the interests of Mr Kenwright. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk;
- dishonesty, that has been repeated and/or covered up;

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, which may indicate that a prohibition order would not be appropriate or proportionate.

Mr Kenwright's actions were deliberate, repetitive and dishonest.

There was no evidence to suggest that was acting under duress.

Mr Kenwright did have a previously good history. The panel saw no evidence that Mr Kenwright was previously subject to disciplinary proceedings/warnings.

In an email from Mr Kenwright dated 7 December 2020, he provided the following 'mitigating evidence':

*'I have absolutely loved my seven years teaching and am sad to be leaving the profession. [Redacted] I do not have legal representation and am not part of a union and therefore have no one to support me through the process. I did continually ask for training to support me in my pastoral work. I wish my colleagues and students the best of luck for their futures'.*

[Redacted]. The panel took into account that Mr Kenwright admitted in full his conduct at an early stage. He also admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. This is evidence that Mr Kenwright has some insight into his conduct. However, he did not take the opportunity to provide the panel with any more detail of the extent of his insight, nor did he provide any character references for this meeting.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Kenwright 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 Kenwright. The finding of dishonesty 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 to recommend that a review period of the order should be considered. 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious dishonesty. The panel has taken into account the fact that there were no evidence of any serious or lasting consequences for any pupil. This was not dishonesty involving any personal or professional gain, nor any loss to any other individual. Therefore, the panel, whilst acknowledging the seriousness of his dishonesty, considered it to be towards the lower end of any spectrum of dishonesty related matters.

The panel has found that Mr Kenwright has some insight into his professional failings and the panel was of the view that he should have the opportunity to further reflect on his conduct and provide more detailed insight at a future date, should he wish to do so.

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 after a period of two years.

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found all 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.

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

In particular, the panel has found that Mr Kenwright is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Kenwright fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of failing to maintain appropriate professional boundaries with pupils, including allowing them to consume alcohol and smoke in Mr Kenwright's residential flat, behaviour found to be dishonest and lacking in integrity.

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "The panel has taken into account the fact that there were no evidence of any serious or lasting consequences for any pupil". However I have also noted Mr Kenwright admitted he supplied the pupils with alcohol, cigarettes and/or vapes to use whilst in his presence and asked pupils to keep his conduct a secret. A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "This is evidence that Mr Kenwright has some insight into his conduct. However, he did not take the opportunity to provide the panel with any more detail of the extent of his insight, nor did he provide any character references for this meeting".

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "There was a strong public interest consideration in respect of the protection of pupils given the serious findings of failing to maintain appropriate professional boundaries with pupils". I am particularly mindful of the finding of dishonesty and lack of integrity in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Kenwright himself. Although he is no longer working at the college, the panel commented "Mr Kenwright did have a previously good history. The panel saw no evidence that Mr Kenwright was previously

subject to disciplinary proceedings/warnings” and “In an email from Mr Kenwright, he provided the following 'mitigating evidence': *'I have absolutely loved my seven years teaching and am sad to be leaving the profession.'*”

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

In this case, I have placed considerable weight on the panel’s comments concerning the following, “Mr Kenwright's actions were deliberate, repetitive and dishonest” and “There was no evidence to suggest that was acting under duress”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Kenwright 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, 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 2 year review period.

I have considered the panel’s comments “The panel has found that Mr Kenwright has some insight into his professional failings and the panel was of the view that he should have the opportunity to further reflect on his conduct and provide more detailed insight at a future date, should he wish to do so”.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession and have decided that in this case it does.

**This means that Mr Thomas Kenwright 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 24 February 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Kenwright remains prohibited from teaching indefinitely.

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

Mr Kenwright 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 'S Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 18 February 2021**

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

