



Teaching
Regulation
Agency

Mr Anthony Bennett: Professional conduct panel outcome

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

October 2023

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

Teacher:	Mr Anthony Bennett
Teacher ref number:	9248570
Teacher date of birth:	20 February 1971
TRA reference:	19973
Date of determination:	5 October 2023
Employer:	East Tilbury Primary School, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 10 to 12 July 2023 and 3 to 5 October 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Anthony Bennett.

The panel members were Mr Stephen Chappell (lay panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Mrs Melissa West (teacher panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Mr Stephen Ferson, instructed by Kingsley Napley LLP.

Mr Bennett was present and was represented by Mr Andrew Faux of The Reflective Practice.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 April 2023.

It was alleged that Mr Bennett was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that while employed as a teacher at Swan Valley Secondary School, he:

1. Between on or around July 2001 and December 2002, sent one or more inappropriate messages and/or emails to Pupil A and/or Pupil B;
2. Between on or around 2001 and 2003, engaged in a romantic and/or sexual relationship with Pupil B, who was aged 16 at the time, shortly after she had left the School;
3. Between 2001 and 2003, his behaviour towards Pupil A and/or Pupil B demonstrated elements of building an inappropriate relationship;
4. Between on or around 2001 and 2003, failed to maintain the standards of behaviour expected between himself and/or Pupil A and/or Pupil B.
5. His conduct as set out above at allegations 1 and/or 2 and/or 3 and/or 4 was sexually motivated.

Preliminary applications

Private hearing

Mr Faux made an application for this hearing to be held in private on the basis of the impact that the proceedings might have on Mr Bennett and his family. In support of that position, the panel had sight of statements written by Mr Bennett, his current wife and former wife.

The statements in particular set out that the emotional welfare of their children should be appropriately safeguarded from the potential impact that might be caused by publicity of these proceedings, including exposure to stigmatisation and bullying owing to the sensitive nature of the allegations.

Mr Ferson opposed the application and submitted there was limited information in the application to suggest the panel should move away from the starting point of this being a public hearing. However, Mr Ferson did not object to hearing any evidence relating to Mr Bennett's health in private.

The panel recognised that any parent would wish to take steps to protect their family members from the embarrassment and difficulties that flow from proceedings of this nature. In considering the relevant legal advice, the panel also recognised the fundamental importance of holding hearings in public and the high threshold that needed to be passed when considering the impact of these proceedings on third parties.

The panel considered the material before it and took the view that it only raised a general concern about the potential impact on family members. There was no other specific evidence, such as medical evidence for the panel to consider.

The panel considered the guidance was clear and that no exceptional grounds had been put forward in this application that would allow the panel to derogate from the starting point that the hearing should be held in public.

Accordingly, the application was refused.

Additional evidence

During the course of the hearing, the parties made applications to introduce further documents into the evidence. On each of these occasions, the respondent to the application did not object to the documents being admitted. The panel considered these documents as relevant and that no fairness would be caused by their admission. Those documents were:

- A statement from Mr Bennett expanding on issues in relation to the application for privacy;
- A further statement and exhibit from Pupil A in relation to purported emails sent from Mr Bennett in 2002;
- A further evidential bundle by the TRA consisting of: a digital forensic expert report, further statements and exhibits from: Pupil A, Pupil B and Pupil C, including pictures of a diary and photographs that were purportedly made contemporaneously to the allegations.

Special Measures

Mr Ferson made an application for Pupil A, Pupil B and Individual E to be considered as vulnerable witnesses and as a result to be afforded special measures in giving their evidence.

In regards to Pupil A and Pupil B, Mr Ferson relied on paragraph 5.102 of the Disciplinary Procedures, which sets out that complainants of sexual misconduct should be considered as vulnerable witnesses. Mr Ferson's application was that the pupils should be screened from seeing Mr Bennett.

In regards to Individual E, Mr Ferson further submitted that owing to certain medical conditions, Individual E would not be able to attend in person and appearing by video link would be an appropriate special measure to address that vulnerability.

Mr Faux did not oppose the applications.

The panel was satisfied that sub-paragraph (iv) of paragraph 5.102 was engaged in regards to Pupil A and Pupil B and that sub-paragraph (iii) was engaged in respect of Individual E. Furthermore the panel considered the proposed special measures for each of those witnesses was a suitable adaptation to ensuring that the panel would receive the best evidence from these witnesses. Accordingly, the panel granted these applications.

Application to adjourn

During the course of Pupil A giving her evidence, it became apparent that she still had access to emails which were purported to have been sent from Mr Bennett in 2002. The panel was also made aware that in January 2023, Mr Bennett's legal representatives had asked the TRA to undertake further enquiries regarding those emails, including disclosing the emails in a format which would render them suitable for analysis by an expert to establish their veracity.

The TRA sought to rely on these emails as direct evidence of the inappropriate relationship with Pupil A. Mr Bennett's position was he was simply not the author of these emails and that they must have fabricated. Mr Faux highlighted that, although the emails did not directly deal with the allegations themselves, they would likely impact the credibility of Pupil A if it could be forensically determined that they had been fabricated.

Mr Ferson was neutral on the application.

The panel considered that the issues surrounding the email were too important to continue the hearing without resolving. Potentially this was one of the few possible contemporaneous documents available to the panel and their veracity was in dispute. The panel took into account that the TRA witnesses had in essence now completed their evidence and therefore the impact of an adjournment on them would be minimal. Owing to the disputed nature of this evidence, an adjournment to forensically examine the emails would ensure that Mr Bennett's assertion could be fully considered. The panel considered this would be in the interests of justice, notwithstanding any further delay that it would cause.

Accordingly, the panel granted the application.

Summary of evidence

Documents

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

Section 1: Index, chronology and anonymised pupil list – pages 1 to 6

Section 2: Notice of proceedings and response – pages 7 to 10

Section 3: Teaching Regulation Agency witness statements – pages 11 to 38

Section 4: Teaching Regulation Agency documents – pages 39 to 132

Section 5: Teacher documents – pages 133 to 158

In addition, the panel agreed to accept the documents as set out in the preliminary applications section above.

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.

Witnesses

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

- Pupil A, [redacted];
- Pupil B, [redacted];
- Individual C;
- Individual D;
- Individual E, [redacted];

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

- Anthony Bennett, the teacher;
- Individual F, character witness.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision. Whilst the panel has considered all of the evidence before it, not every piece of evidence will be referenced in this decision.

Mr Bennett took up post as a teacher and subject lead for PE at Swan Valley Secondary School (the "School") in September 2000. Pupil A and Pupil B were pupils at the School and were in [redacted] when Mr Bennett started. Both were in the same [redacted] and Mr Bennett became [redacted] when he started at the School. Both Pupil A and Pupil B completed their studies at the School and [redacted].

Pupil A and B had remained friends since leaving the School. In September 2020, with the agreement of Pupil B, Pupil A made a disclosure about the purported inappropriate relationships between themselves and Mr Bennett to the police and Local Authority Designated Officer ("LADO"). As a result a number of investigations commenced. The investigations by the police and LADO resulted in no further action being taken. On 27 April 2021, Pupil A made a referral to the TRA, which resulted in this hearing.

The disputed position between the parties at this hearing is straightforward. At the heart of the TRA's allegations is that, during Pupil A and B's final years at the School, Mr Bennett formed an inappropriate relationship with them, including a sexual relationship with Pupil B once she had left the School. Mr Bennett denied any inappropriate conduct towards Pupils A and B. Whilst the dispute is a straightforward one, the evidential analysis the panel is required to undertake to resolve it, is not. As highlighted by both parties in their submissions and the panel's Legal Adviser, these are historic allegations dated some two decades in age and the impact that the passage of time may have had on the memories of the witnesses and to Mr Bennett's ability to defend himself against these allegations should be carefully considered. The panel has kept this at the forefront of its considerations whilst evaluating the evidence. Additionally, as a result of the historic nature of the allegations, the panel has placed significant weight on the available contemporaneous documentary evidence.

Findings of fact

The findings of fact are as follows:

1. Between on or around July 2001 and December 2002, sent one or more inappropriate messages and/or emails to Pupil A and/or Pupil B;

A number of forwarded emails were exhibited by Pupil A. She stated that they were emails sent between Mr Bennett and her. The dates of the emails ranged from 16 July 2002 to 16 December 2002. Pupil A stated that the Yahoo address shown in the emails belonged to her and the email address "AB[redacted]" belonged to Mr Bennett. In cross-examination, it was put to Pupil A that she had fabricated the emails and that Mr Bennett denied sending any emails to her. Pupil A denied this and explained that the original emails were still available in her inbox. Following an adjournment in the proceedings, a digital forensic expert inspected these emails, including their available metadata. An expert report before the panel stated that the emails from the 'AB' address had originated from an e-mail server associated with the School. It also explained that the dates and

times those emails were sent was confirmed from the metadata as it travelled through various different internet servers to be delivered to Pupil A. It further stated there was no evidence these emails had been tampered with. This report was not challenged by Mr Bennett. Following the disclosure of the expert report, Mr Bennett's evidence was that the e-mail account did not belong to him and that although the e-mail appeared to have come from the School, he was not the author of those emails. He was not able to offer any other explanation as to the ownership of the email address or the potential author.

The panel took into account the following points when considering this disputed fact:

- Mr Bennett's initials are AB;
- Mr Bennett's tutor group was known as [yeargroup]AB (as was seen in the Year 11 class photo which noted the tutor group as "11AB").
- The email header name for the AB email address in the metadata was recorded as "Mr A Bennett";
- Some emails were signed off "Love TB", "Love Tony";
- References to being in the PE department;
- References to a having a new form class in September 2002, which would be consistent [redacted];
- References to an old tutor group which included the name of another pupil, who could be seen in the Year 11 class photo of tutor group 11AB.

In the absence of any credible explanation from Mr Bennett as to why all of these factors, which supported a conclusion that it was his email address and of him being the author, the panel was satisfied that it was more likely than not, that the 'AB' email address belonged to Mr Bennett and that he was the author of these emails.

Having made that conclusion, the panel further considered the contents of the emails that Mr Bennett had sent. These included:

- Describing pupils as "behaving like real bitches";
- Describing Pupil A as a "[redacted]";
- Describing the School and colleagues in disparaging terms;
- Asking Pupil A about her love life.

In his evidence, Mr Bennett accepted that the contents of those emails would be inappropriate for a teacher to send to a pupil. The panel was also satisfied that they were inappropriate messages. They demonstrated that Mr Bennett had stepped far outside the professional boundaries in the discussions he was having with Pupil A.

Pupil A also gave evidence that Mr Bennett would also communicate with her via text messages. She no longer had those messages. She described some of them would say words to effect of “hi beautiful” and discussing his feelings for Pupil B.

Pupil B gave evidence that she was aware that Mr Bennett was sending text messages to Pupil A and that she saw a message from him saying “hello beautiful”. Pupil B further stated that, as Mr Bennett’s and her relationship developed, they would often communicate by text message and email, although she no longer had copies of these. This included Mr Bennett using sexually explicit language.

Mr Bennett denied communicating with Pupil A and B in such a fashion but did accept there may have been some limited messaging contact them after a class reunion [redacted].

When assessing the witnesses accounts, the panel placed significant weight on an email sent by Mr Bennett to Pupil A on 16 July 2002, in which he said:

“So Thursday you are going boy hunting... Let me know how Thursday goes, you’ll have to text as computer goes into storage on Thursday [sic] for the Summer”

This contemporaneous documentary evidence directly contradicted the account of Mr Bennett both in regards of the timeframe he gave and the nature of the communication he was having with pupils. The panel considered this evidence lent credibility to the accounts that Pupil A and B had given in regards to this allegation and the panel considered Mr Bennett’s account less credible. Accordingly, the panel found it was more likely than not that Mr Bennett had also been inappropriately communicating with Pupil A by text messages and Pupil B by text messages and email.

Mr Bennett also advanced that he could not have been the author of the emails as he had been suspended by the School in or around October 2002. There was no other evidence before the panel in support of that chronology. In considering the email evidence and accounts from the other TRA witnesses, whilst acknowledging some could not assist on a specific date, the balance of the evidence still suggested that it was more likely to have been closer to Christmas 2002, when the School formally became aware of the allegations.

The panel therefore found this allegation proved.

In light of being asked to resolve allegations on developing relationships over a period of time, the panel considered allegation 3 out of turn, before allegation 2.

3. Between 2001 and 2003, your behaviour towards Pupil A and/or Pupil B demonstrated elements of building an inappropriate relationship;

Both Pupil A and Pupil B gave evidence about their developing relationship with Mr Bennett. They gave evidence which corroborated each other, such as:

- Favoured treatment in school over other pupils;
- An occasion when Mr Bennett gave Pupil A [redacted];
- Contacting Individual D in an attempt to reverse her decision in 'grounding' Pupil A;
- Acting in an over familiar way during a school trip [redacted], by throwing water over Pupil B and hugging Pupil A;
- Taking Pupil A and B on a trip [redacted].

Mr Bennett denied this allegation in full and each of the specific topics listed above. The panel was mindful that, as Pupil A and B had remained in contact since leaving the School, a very careful approach to their accounts was required, taking into account the long passage of time.

The panel looked again to the available contemporaneous documentary evidence.

In regards to treating Pupil A and B more favourably than other pupils, the panel noted the email sent by Mr Bennett to Pupil A on 24 September 2002, which included the following remarks:

"I also got lots of abuse in the year team meeting for 'letting those girls run riot in the last few weeks of term' to use [redacted] words, so obviously I am seen as a soft touch by her towards anyone who flutters their eyelashes (who could that be?)"

Earlier in the same email, Mr Bennett wrote in reference to his new tutor group:

"None of them steal my keys or get me to ring [redacted] when they've been naughty."

Individual D gave evidence that she had received such a call from Mr Bennett.

During the initial listing for the case in July 2023, Pupil A had exhibited a page from a small book that was used as an informal diary that she and her friends used to write in. The page recorded the following remarks being made on Thursday 16 May 2002:

"Went 2 Chessington Thursday. I fell out the log ride on to the guy! & Mr Bennett & [Pupil C] & [Pupil B] kept huggin me coz they woz wet n I woz dry!"

In his statement, Mr Bennett agreed there had been a school trip to [redacted], but denied that he went on any rides as he suffered from motion sickness and also that teachers were not permitted to go on them. He stated the diary entry must have been fabricated by Pupil A and could have been written at any time.

At the resumption of the hearing in October, Pupil A had exhibited the physical diary and a photo keyring which she stated showed her and Mr Bennett on the Vampire ride. The panel reviewed diary and noted its contents was as described by Pupil A in her evidence. Importantly the panel noted in the diary the following entry:

“So it’s the first day of half term and [redacted] has been suspended.”

Before the panel was an email exchange between the TRA’s investigator and Kent County Council (the county the School was located in) that took place in early 2023. The TRA was seeking information about the School. In response, the Council’s officer wrote:

“We then contacted [redacted] who was at the school in 2002 for a short period of time following the suspension of [redacted].”

The panel considered this demonstrated that the diary was more likely than not to have been a contemporaneous record kept by Pupil A and others who had written in it.

In his oral evidence Mr Bennett accepted that his witness statement was therefore wrong on this aspect. He accepted it was him in the photograph, but stated it was Pupil B in the photograph, not Pupil A.

Pupil A additionally exhibited a photograph which carried a date stamp of 16 May 2002. It showed Mr Bennett in the same t-shirt as could be seen in the keyring photo. Some patches of his t-shirt appeared to be darker than other areas, which the panel considered could be consistent with him being wet.

Having examined these documents, the panel considered that they lent support to the accounts that Pupil A and B gave in this regard and did not support and sometimes directly contradicted the evidence of Mr Bennett. On that basis, the panel found it was more likely than not that the events in the accounts given by Pupil A and B occurred.

Having considered the behaviour of Mr Bennett in these instances, the panel considered it was further evidence of Mr Bennett overstepping the professional boundaries with these pupils and it was inappropriate.

Accordingly the panel found this allegation proved.

2. Between on or around 2001 and 2003, engaged in a romantic and/or sexual relationship with Pupil B, who was aged 16 at the time, shortly after she had left the School;

Both Pupil A and B gave evidence about how Pupil A received a text message from Mr Bennett, in which he confirmed that he ‘loved’ Pupil B and not to tell her. Pupil A then told Pupil B about this message. Pupil B stated she felt ‘flattered’ and ‘curious’ as he was someone she ‘respected and admired’ as a teacher.

Pupil B described the relationship with Mr Bennett as progressing past a friendship into a romantic and sexual relationship. She stated it may have started in or around September

2002, after she had left the School. She described going on a date with him and that they kissed for the first time. She also described an occasion when Mr Bennett took her for a walk around the grounds of his old university at Greenwich.

Pupil B explained that she received some flowers from Mr Bennett which attracted the attention of her mother because they would have been so expensive and that she lied about who they came from.

At some point between the summer holidays and Christmas in 2002, Pupil B's evidence was that, as her mother had found out about the relationship, she was thrown out of the home and that she went to live with Pupil A. After she had moved in with Pupil A's family, Pupil B described an occasion when Mr Bennett took her to a hotel and they had sex for the first time and that she lost her virginity to him. The sexual relationship continued and Mr Bennett started making promises that they would move away together. He also started having some of his mail sent to Pupil A's family address. After a number of broken promises and increasing concerns being raised by Pupil A, Individual D and Individual C, the relationship ended.

The panel also heard from Individual D and Individual C, who along with Pupil A, corroborated Pupil B's account. The panel was mindful that, [redacted], they were not independent witnesses.

The panel did take into account the high level of detail that the witnesses were able to provide. For example, Pupil B was able to give evidence about which university Mr Bennett had attended. In his evidence, Mr Bennett explained that Pupil B must have obtained this information when he was giving a talk about his background to pupils. The panel considered it would be unlikely for a witness to remember such a small detail from a brief conversation over two decades ago. However, the panel considered it was more likely that a witness would remember such a detail if they have been physically taken to the location and told that was the university he attended. In his evidence before the panel Mr Bennett accepted he had attended Greenwich University.

The panel reviewed the documentary evidence and took account of an email sent by Mr Bennett to Pupil A on 2 December 2002. In it he said:

"I hear you have a new lodger more or less, and that she makes good tea, hmm, never made one for me!"

The panel noted this was consistent with the accounts other witnesses gave about Pupil B being thrown out of her home and living with Pupil A; this together with reference to knowing that the person makes good tea, but not for him, suggested a high level of familiarity between Mr Bennett and the 'lodger'.

The panel also took account of the evidence of Individual E and that she said she was aware of the relationship as it was 'common knowledge' at the School. Although the

panel regarded this as hearsay evidence and little weight should be attributed to 'staff room gossip', the panel did note it was consistent with the wealth of surrounding evidence.

Mr Bennett denied this allegation. When asked as to why the witnesses had conspired against him, he said he could only think it could have been because he had 'snubbed' or 'rejected' them whilst they were pupils and the respective family members were simply supporting them.

The panel considered that the weight of evidence against Mr Bennett was compelling. Even when taking into account his good character and the impact of the passage of time on his ability to present a defence, the evidence was simply too cogent. The panel was of the view that, if Mr Bennett's account of collusion was correct, this would have required elaborate fabrication and significant planning which was highly implausible and not borne out in the evidence.

The panel was satisfied that it was more likely than not that Mr Bennett had engaged in a romantic and sexual relationship with Pupil B, who was aged 16 at the time, shortly after she had left the School and found this allegation proved.

4. Between on or around 2001 and 2003, failed to maintain the standards of behaviour expected between you and/or Pupil A and/or Pupil B.

Before the panel was a copy of Circular 11/95, produced by the Department for Education and Employment in 1995. It provided relevant guidance in regards to teacher misconduct at the time these allegations took place. Both parties invited the panel to consider this document as the relevant standards in place at the time.

When setting out the Secretary of State's discretionary power to bar a teacher for types of misconduct, it gave a list of examples including when there was:

"a sexual, or otherwise inappropriate, relationship with a pupil (regardless of whether the pupil is over the legal age of consent)".

In his evidence, Mr Bennett accepted that, if a teacher had conducted themselves as was alleged in this case, it would have amounted to failing to maintain the standards of behaviour expected.

Taking into account the above and its own specialist knowledge of the profession, the panel was satisfied that Mr Bennett's actions did fall below the standards expected of a teacher, at that time, in regards to his behaviour towards Pupil A and Pupil B.

Therefore the panel found this allegation proved.

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

The panel reminded itself that sexual motivation could occur in two circumstances. Those were where the conduct was:

- In pursuit of sexual gratification; or
- In pursuit of a future sexual relationship.

Having found allegation 2 proven, it stands that Mr Bennett's actions in entering into a sexual relationship with Pupil B, must have incorporated a motivation for sexual gratification.

In looking at the wider behaviour with Pupil B, the evidence suggested that Mr Bennett's motivations in his relationship with her appeared to change. It had moved beyond a simple inappropriate and over friendly relationship with a pupil. It moved into a situation where Mr Bennett would comment on Pupil B's physical appearance and the communications became of a sexual and romantic nature. The panel was satisfied that, although it could not pinpoint when this change developed, it did occur at some point before the sexual relationship actually occurred. The motivation for this change in conduct was in pursuit of a future sexual relationship with Pupil B, which was the outcome. Accordingly, the panel was satisfied that Mr Bennett's actions in regards to Allegations 1, 3 and 4 were also sexually motivated in regards to Pupil B.

The panel also reminded itself that although it found Mr Bennett's actions towards Pupil A inappropriate, that in itself did not prove sexual motivation towards her. In reviewing the emails sent by Mr Bennett and the description of the text messages by Pupil A, the panel considered, taking these at their highest, they could be only be described as flirtatious. The panel was not satisfied such messages, whilst clearly inappropriate, could satisfy it that it was more likely than not that Mr Bennett's conduct was done so for either sexual gratification, or in pursuit of a future sexual relationship with Pupil A. Accordingly, the panel was not satisfied that the TRA had satisfied its burden of proof in regards to this allegation in so far as it applied to Pupil A.

Therefore the panel found this allegation proved in relation to Pupil B, but not Pupil A.

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".

Notwithstanding the comments at paragraph 18 of the Teachers' Standards, which provide for the retrospective application of the standards, the panel was mindful that this was conduct that happened a number of years ago. In some circumstances, holding teachers to the standards that are in place today, could lead to an injustice. That is not the position in Mr Bennett's case. The panel considered engaging in the inappropriate relationship with Pupil A to the level he did and engaging in a sexual relationship with Pupil B, the seeds of which were sown whilst she was still at the School, was conduct falling significantly short of the expected standards of a teacher, even at that time in the early 2000's.

The panel considered whether Mr Bennett'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. Whilst the panel noted there were some offences on that list that might be relevant, the panel took into account that some of these offences (such as sexual communication with a child) were not brought into law until after the date of these allegations. On that basis, the panel did not further consider the sexual offences in the list in assisting the resolution of the question of whether Mr Bennett's actions constituted unacceptable professional conduct.

There was a moral blameworthiness that lay with Mr Bennett in that he should have recognised that, as the adult, his influence over the pupils would have been significant and that influence was exploited, at times, for his own sexual gratification.

Accordingly, in assessing these factors, the panel was satisfied that Mr Bennett 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 that they behave.

The findings of misconduct are 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 public expects teacher not to abuse the trust that is placed in them to exploit relationships with pupils for their own personal benefit.

The panel therefore found that Mr Bennett'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;
- declaring and upholding proper standards of conduct;
- keeping good teachers in the profession.

In the light of the panel's findings against Mr Bennett which involved engaging in inappropriate relationships with pupils, including a sexual relationship with a pupil, shortly after she had left school, there was a public interest consideration in respect of the protection of pupils.

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

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

The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession.

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 Bennett.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Bennett. 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:

- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

The impact of Mr Bennett's misconduct continues to this day, particularly in regards to the effect on Pupil B.

In her evidence, Individual C remarked that the impact of Mr Bennett's conduct had been 'massive' and that Pupil B had been scarred by his conduct. Its impact had reached into other relationships and affected her education as she had withdrawn from further education at time of this conduct at Mr Bennett's behest.

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.

The panel found that Mr Bennett's actions were deliberate and there was no evidence that he was acting under duress.

Mr Bennett did have a previously good history and the panel accepted that the incident appeared out of character, in light of his otherwise long and successful career in teaching. Although the panel was not able to particularly explore Mr Bennett's insight at this hearing, the panel took into account that, as no other concerns had been raised during this time period of some two decades, it suggested that the risk of repetition of similar misconduct occurring was minimal. Accordingly, the panel did not feel required to further consider the protection of pupils element of the public interest factors in making its recommendation.

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 Bennett 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 the teacher. The maintenance of appropriate relationships with pupils is of fundamental importance to members of the profession. Mr Bennett's actions overstepped the boundary by a wide, if not the widest, mark. In such a case, the public interest in maintaining confidence in the profession and declaring and upholding standards required a suitably robust regulatory response. 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 behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child.

The panel adopted this guidance and decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

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 allegations 1, 2, 3, and 4 proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring

the teaching profession into disrepute. The panel has found elements of allegation 5 proven and other elements unproven. I have put those unproven elements entirely from my mind in my considerations.

The panel has made a recommendation to the Secretary of State that Mr Anthony Bennett should be the subject of a prohibition order, with no provision for a review period.

The allegations against Mr Bennett pre-date the introduction of the Teachers' Standards. The panel comment that "Notwithstanding the comments at paragraph 18 of the Teachers' Standards, which provide for the retrospective application of the standards, the panel was mindful that this was conduct that happened a number of years ago. In some circumstances, holding teachers to the standards that are in place today, could lead to an injustice. That is not the position in Mr Bennett's case. The panel considered engaging in the inappropriate relationship with Pupil A to the level he did and engaging in a sexual relationship with Pupil B, the seeds of which were sown whilst she was still at the School, was conduct falling significantly short of the expected standards of a teacher, even at that time in the early 2000's."

The findings of misconduct are very serious as they involve engaging in inappropriate relationships with pupils, including a sexual relationship with a pupil shortly after she had left school, which were reported to have had long-lasting and negative effects.

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 unprofessional conduct and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Bennett, 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/or safeguard pupils. The panel has recorded, "In the light of the panel's findings against Mr Bennett which involved engaging in inappropriate relationships with pupils, including a sexual relationship with a pupil, shortly after she had left school, there was a public interest consideration in respect of the protection of pupils."

I have also taken into account the panel's comments on insight and remorse, set out as follows "the panel was not able to particularly explore Mr Bennett's insight at this hearing". I have noted "In his evidence, Mr Bennett accepted that, if a teacher had conducted themselves as was alleged in this case, it would have amounted to failing to

maintain the standards of behaviour expected.” I also note that no further evidence is recorded of Mr Bennett demonstrating remorse for his actions, and indeed that he sought to deny the allegations presented against him rather than take responsibility for his actions and their impact. 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 record that, “The findings of misconduct are 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 public expects teacher not to abuse the trust that is placed in them to exploit relationships with pupils for their own personal benefit.” I am particularly mindful of the finding of sexually motivated behaviour in this case and the 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 that may bring the profession into disrepute in this case, 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 Bennett himself. The panel observed that, “Mr Bennett did have a previously good history and the panel accepted that the incident appeared out of character, in light of his otherwise long and successful career in teaching.”

A prohibition order would prevent Mr Bennett 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 findings, which include sexually motivated behaviour towards a pupil, the significant breach of trust represented by Mr Bennett’s behaviour, and the lack of evidence of full remorse either for the behaviour itself or its impact.

I have also taken into account the panel’s comments on the impact on Pupil B “In her evidence, Individual C remarked that the impact of Mr Bennett’s conduct had been ‘massive’ and that Pupil B had been scarred by his conduct. Its impact had reached into

other relationships and affected her education as she had withdrawn from further education at time of this conduct at Mr Bennett's behest."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Bennett 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 remorse or 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 that no provision should be made for a review period. In doing so, the panel was mindful of the Advice which indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child.

I have noted the panel's comments, "The panel adopted this guidance and decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious findings of sexually motivated behaviour towards a pupil, the lack of full insight or remorse, and the significant breach of trust inherent in Mr Bennett's actions.

This means that Mr Anthony Bennett 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 Bennett 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 Bennett has a right of appeal to the King'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 'M. Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 6 October 2023