



Teaching
Regulation
Agency

Mr Carrick Tanton: Professional conduct panel meeting outcome

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

December 2023

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

Teacher:	Mr Carrick Tanton
Teacher ref number:	1850854
Teacher date of birth:	10 September 1991
TRA reference:	19579
Date of determination:	18 December 2023
Former employer:	Hayesbrook School, Tonbridge

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 18 December 2023 to consider the case of Mr Carrick Tanton.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Mr Paul Millett (lay panellist) and Ms Geraldine Baird (lay panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) 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 Carrick Tanton that the allegations be considered without a hearing. Mr Tanton 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 Ms Lead Redden of Browne Jacobson LLP solicitors, Mr Carrick Tanton or a representative on his behalf.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 13 December 2023.

It was alleged that Mr Carrick Tanton was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Hayesbrook School (“the School”) between 1 July 2019 and October 2020, he:

1. Accessed indecent and/or inappropriate photographs and/or videos of children on one or more occasions;
2. His conduct as may be found proven at allegation 1 above was conduct of a sexual nature and/or was sexually motivated.

Mr Tanton admitted the facts of the allegations. He also admitted the allegations amounted to unacceptable professional conduct and/or 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: Notice of Referral – pages 4 to 14

Section 2: Statement of agreed facts and presenting officer representations – pages 15 to 21

Section 3: Witness statements – pages 23 to 36

Section 4: Teaching Regulation Agency documents – pages 40 to 107

Section 5: Teacher documents – pages 109 to 111

In addition, the panel agreed to accept the following:

- the Notice of Meeting, added as page 112

The panel members confirmed that they had read all of the documents within the bundle and the additional document admitted by the panel, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Carrick Tanton on 29 November 2023.

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 Carrick Tanton 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 Tanton was employed as a Teacher of Computer Science at the School from 1 July 2019.

On or around 12 October 2020, Mr Tanton was arrested by Kent Police on the basis of information that an IP address linked to Mr Tanton's home address was used to access indecent images of children.

On or around 13 October 2020, Mr Tanton was suspended from the School pending investigations. He was later dismissed from the School on 16 October 2020.

Findings of fact

The findings of fact are as follows:

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

Whilst employed at Hayesbrook School between 1 July 2019 and October 2020 you:

- 1. Accessed indecent and/or inappropriate photographs and/or videos of children on one or more occasions;**

Mr Tanton admitted the facts of this allegation, as evidenced in the statement of agreed facts signed by him on 29 November 2023 and in his statements to Police. The witness statement of the Detective Constable and the Police Crime Report supported Mr Tanton's admissions.

The panel did acknowledge that in the statement of agreed facts Mr Tanton accepted he accessed inappropriate photographs and/or videos of children on one or more occasions. The panel also noted Mr Tanton's admission in interviews with Police to accessing such photographs and/or videos once a week since he was a teenager although sometimes with large breaks of time.

The panel therefore found this allegation proved.

2. Your conduct as may be found proven at allegation 1 above was conduct of a sexual nature and/or was sexually motivated.

Mr Tanton admitted the facts of this allegation in the statement of agreed facts signed by him on 29 November 2023.

The panel also had the benefit of Mr Tanton's admissions in his Police interview, in which he confirmed that he would use the dark web to view pornography more generally. He initially admitted he would look at images of a person looking young, perhaps around 16 years old, and that he would masturbate to what he saw. However, Mr Tanton later admitted in his Police interview that he had been accessing indecent images of extremely young children.

Mr Tanton also confirmed in his Police interview that he would do this secretly, while his [REDACTED] was in bed.

The panel, on the balance of probabilities, concluded that a reasonable person would consider Mr Tanton's conduct in regularly and routinely accessing indecent images or videos of children secretly and over a sustained period of time was sexual in nature and/or sexually motivated.

The panel therefore found this allegation proved.

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

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Tanton in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Tanton 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; and
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
 - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Tanton in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Mr Tanton was in breach of the following provisions: protecting children from maltreatment and considering at all times what is in the best interests of the child.

The panel was satisfied that the conduct of Mr Tanton in relation to the facts found proved, involved breaches of Working Together to Safeguard Children (2018). The panel considered that Mr Tanton was in breach of provisions in Chapter 2.4 which sets out guidelines for persons in a position of trust.

The panel was satisfied that the conduct of Mr Tanton fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Tanton's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents was relevant.

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

The panel noted that the facts of the allegations took place outside the education setting. The panel felt that such conduct would affect the way Mr Tanton fulfilled his teaching role, and may lead to pupils being exposed to his behaviour in a harmful way, because of the clear safeguarding issues that arose.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel also considered whether Mr Tanton's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents was relevant.

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 conduct that may bring the profession into disrepute.

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. The panel considered that Mr Tanton's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Tanton's conduct amounted to both unacceptable professional conduct and 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Tanton and whether a prohibition order is necessary and proportionate. 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

safeguarding and wellbeing of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Tanton which involved accessing indecent images of children, with a particular focus on very young children, regularly and over a sustained period of time, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Tanton was not treated with the utmost seriousness when regulating the conduct of the profession. Similarly, the panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Tanton was outside that which could reasonably be tolerated.

No evidence was presented to the panel regarding Mr Tanton's abilities as an educator and therefore the panel was unable to conclude that there was an interest in retaining Mr Tanton in the teaching profession.

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

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- failure to act on evidence that indicated a child's welfare may have been at risk, e.g., failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

- violation of the rights of pupils;
- a deep-seated attitude that leads to harmful behaviour.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

On the evidence presented, the panel concluded that Mr Tanton's actions were deliberate. There was no evidence to suggest that Mr Tanton was acting under extreme duress and, in fact, the panel found Mr Tanton's actions to be calculated and motivated. There was no evidence to support that this behaviour was out of character; and Mr Tanton's own admission was that he had been accessing indecent images for a number of years and on a weekly basis.

The panel did acknowledge that Mr Tanton had expressed some insight into his actions, including through his admissions to the Police and by a statement provided to the panel. However, the panel did not consider that Mr Tanton expressed any remorse for his actions. The panel also acknowledged that the Police report suggested that Mr Tanton had sought help to address his behaviour; but no evidence of this was presented to the panel.

Proportionality

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 Tanton 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 Tanton. The seriousness of Mr Tanton's offending over a sustained period of time was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given

case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The panel found that Mr Tanton was responsible for viewing indecent images of young children, over a prolonged period and on a regular basis.

Although Mr Tanton appeared to demonstrate some insight into his actions, the panel was not satisfied that there was no risk of repetition. Mr Tanton openly expressed this in his personal statement to the panel, stating “there is no reasonable way to say, with 100% certainty, that I – or any person having committed such offences - does not pose a risk to children.”

The panel 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 provision 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Tanton 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; and
- showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Tanton, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children (2018). The panel considered that Mr Tanton was in breach of provisions in Chapter 2.4 which sets out guidelines for persons in a position of trust.

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

The findings of misconduct are particularly serious as they include a finding of accessing indecent images of children, particularly of young children.

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 Tanton, 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 observed, "In the light of the panel's findings against Mr Tanton which involved accessing indecent images of children, with a particular focus on very young children, regularly and over a sustained period of time, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel did acknowledge that Mr Tanton had expressed some insight into his actions, including through his admissions to the Police and by a statement provided to the panel. However, the panel did not consider that Mr Tanton

expressed any remorse for his actions. The panel also acknowledged that the Police report suggested that Mr Tanton had sought help to address his behaviour; but no evidence of this was presented to the panel.” In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Tanton was not treated with the utmost seriousness when regulating the conduct of the profession. Similarly, the panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Tanton was outside that which could reasonably be tolerated.” I am particularly mindful of the finding of accessing indecent images of young children 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 and conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Tanton himself and the panel comment “No evidence was presented to the panel regarding Mr Tanton’s abilities as an educator and therefore the panel was unable to conclude that there was an interest in retaining Mr Tanton in the teaching profession.”

A prohibition order would prevent Mr Tanton 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 lack of full insight or remorse. The panel has said, “Although Mr Tanton appeared to demonstrate some insight into his actions, the panel was not satisfied that there was no risk of repetition. Mr Tanton openly expressed this in his personal statement to the panel, stating “there is no reasonable way to say, with 100% certainty, that I – or any person having committed such offences - does not pose a risk to children.”

I have also placed considerable weight on the finding of the panel that “On the evidence presented, the panel concluded that Mr Tanton’s actions were deliberate. There was no evidence to suggest that Mr Tanton was acting under extreme duress and, in fact, the panel found Mr Tanton’s actions to be calculated and motivated. There was no evidence to support that this behaviour was out of character; and Mr Tanton’s own admission was that he had been accessing indecent images for a number of years and on a weekly basis.”

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

I have considered the panel’s comment “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. One of these cases includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The panel found that Mr Tanton was responsible for viewing indecent images of young children, over a prolonged period and on a regular basis.”

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 seriousness of the findings, the lack of full insight or remorse, and the risk of repetition.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Carrick Tanton 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 Tanton 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 Tanton 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 21 December 2023

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