



Teaching  
Regulation  
Agency

# **Mr Thomas Edney: Professional conduct panel outcome**

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

**July 2024**



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

**Teacher:** Mr Thomas Allen Peter Edney

**TRA reference:** 19977

**Date of determination:** 12 July 2024

**Former employer:** Rossall School, Fleetwood

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 to 12 July 2024 by way of a virtual hearing, to consider the case of Mr Thomas Edney.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Paul Burton (lay panellist) and Ms Olivia Kong (lay panellist).

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

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP.

Mr Edney was present and was represented by Ms Rosalind Emsley-Smith, instructed by Ward Hadaway LLP.

The hearing took place in public and was recorded.

### **Allegations**

The panel considered the allegations set out in the notice of proceedings dated 26 April 2024 and as further amended (as set out in the below preliminary application):

It was alleged that Mr Edney was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as the Assistant Director of Music at the Rossall School between September 2020 and March 2021;

1. He met with Pupil A on a one to one basis in a classroom on or around 14 March 2021, despite;

a. being advised by the [REDACTED] not to be alone with Pupil A on or around 21 November 2020;



b. informing a member of staff he was going to the music department to tidy up and/or organise himself;

2. He failed to maintain appropriate and/or professional boundaries with one or more pupils, by;

a. making one or more inappropriate comments by email to Pupil A to the effect of;

i. “apparently asking to get cover on Sunday evening is rude” on or around 10 March 2021;

ii. “I really hope he’s not a tory and is a liberal democrat because he’s too nice a person to be a tory” on or around 10 March 2021;

iii. “there’s also no such thing as a good tory” on or around 10 March 2021;

iv. “upset you’re not at dinner as I basically copied ur outfit just to make a point lmao” on or around 12 March 2021;

v. “I care very much what certain people think but most people I do not care less” on or around 14 March 2021;

vi. “could be worse and you could be part of the rossall massive in their sliders, greg tracksuits and casual classism / racism / homophobia / sexism / transphobia” on or around 14 March 2021;

vii. “lol don’t panic they aren’t sacking me yet” on or around 14 March 2021;

viii. “I think I deserve a medal for: 1) not punching homophobes in SE. 2) Not spontaneously combusting spending so much time next to a tory” on or around 14 March 2021;

ix. “also doing some maths to calm down cos you’ve whipped me up into a giddy mood” on or around 15 March 2021;

x. “why does Rossall hate the LGBTQ+ community” on or around 16 March 2021;

b. making one or more inappropriate comments by email to Pupil B to the effect of;

i. “I aint got no uterus” on or around 4 March 2021;

ii. “all the boys in house are having a go at my music and I’m sat here like u r boring” on or around 5 March 2021;

iii. “we can be friends once you leave school but like we are meant to be responsible for now” on or around 5 March 2021;



iv. “haha lad that is fkn mental absolute banta thooo pussy” on or around 5 March 2021;

v. “I never get bored because I am a Rossalll slave cry” on or around 13 March 2021;

vi. “need to tidy my flat and I just cannot be fucked and I am on duty and honestly this is just the worse” on or around 13 March 2021;

vii. “if you do want me to piss off for bit tho that’s fine” on or around 13 March 2021;

viii. “ok ive emailed him I just feel awful cos I only like a few people in the world and I hate upsetting them lol” on or around 13 March 2021;

ix. “why didn’t he reply to me ffs” on or around 13 March 2021;

x. “men are terrible we should not be allowed emotions” on or around 13 March 2021;

xi. “I just saw your email about being a male and I just wanted you to know that am one of the gud guyz” on or around 16 March 2021;

c. using emojis in correspondence;

d. using terms of endearment such as ‘queen’;

3. His behaviour as may be found proven at;

a. allegation 1b lacked integrity and/or was dishonest;

b. allegation 2 demonstrated a lack of insight into previous advice provided by the [REDACTED] relating to communication and/or maintaining appropriate relationships with pupils on or around;

i. 8 November 2020;

ii. 21 November 2020;

iii. 2 December 2020;

c. Allegation 2a ii and/or 2a iii demonstrated a lack of tolerance and/or respect for the rights and/or beliefs of others.

Mr Edney denied allegation 1, admitted allegation 2, apart from 2(a)(iv), 2(a)(v), 2(a)(vii), 2(a)(ix), 2(a)(x), 2(b)(ii), 2(b)(iii), 2(b)(x) and 2(b)(xi). Allegation 3 was also denied.



In regards to the admitted allegations, Mr Edney did not accept they would amount to unacceptable professional conduct or conduct that would bring the profession into disrepute.

## **Preliminary applications**

### **Disputed documents**

Mr Perkins made an application to admit a number of documents into the evidence which was contested by Ms Emsley-Smith.

Mr Perkins advised the panel that the three elements of documents were in relation to:

- 1) Evidence on a meeting between Mr Edney and Witness B on 17 March 2021;
- 2) Elements of Mr Edney's response to the TRA earlier in the investigatory stages;
- 3) Evidence on a meeting between Mr Edney and Individual B on 7 February 2021.

Mr Perkins submitted that it would be fair and relevant to admit this evidence. In regard to 1), Mr Perkins submitted that Witness B would be present to give evidence and could be fairly tested on her evidence in regards to the events on 17 March 2021, in which Mr Edney was present and his actions with Pupil A were discussed. In regard to 2) and 3), Mr Perkins highlighted that no unfairness would arise as it was Mr Edney's own evidence and touched on various relevant aspects of the TRA's case, which Mr Perkins may seek to question Mr Edney on.

Ms Emsley-Smith opposed the application. In regards to 1), she submitted that the notes of the meeting had not been previously disclosed until the TRA proceedings and contained a level of gossip that was not relevant to the hearing. In regards to 3), Ms Emsley-Smith explained that the proposed exclusion was restricted to Mr Edney's responses to the 7 February and 17 March meetings, should the underlying evidence of those meeting also be excluded. In regard to 2), Ms Emsley-Smith submitted that these elements were essentially contained in Mr Edney's witness statement.

The panel did not have the underlying disputed bundle before it when making its decision, but was satisfied it could make an informed decision on the information provided by the advocates. Whilst the panel may have been exposed to this material in a previous version of the bundle, the panel members had little recollection of the exact difference between the various bundle versions. The panel considered the evidence would be relevant to their determinations and in regards to fairness that as the material was either Mr Edney's own material, or was other evidence which could properly be tested in the hearing, it would be fair to admit the disputed bundle.

Accordingly, the panel granted the application.



## Privacy

Ms Emsley-Smith made an application for evidence relating to Mr Edney's [REDACTED] to be heard in private. The application was not opposed by Mr Perkins.

The panel considered this was a limited and discreet application on a legitimately considered area of the 'private life' of a party. In those circumstances, it was not contrary to the interests of justice to hear that evidence in private.

The panel therefore granted the application.

## Late Document

Ms Emsley-Smith made an application to admit a document outside the standard disclosure timetable. It was a supplemental witness statement from Mr Edney which addressed aspects of the messages he sent to Pupil A and Pupil B. Mr Perkins did not object to the application.

The panel considered this evidence would be relevant to its determination and in the absence of any opposition, could not identify any material unfairness by admitting the statement.

Accordingly, the panel granted the application.

## Amendment of the allegations

Mr Perkins made an application to amend the allegations, namely;

- 1) Substitute "aint" for "anit" in allegation 2(b)(i);
- 2) Substitute "November" for "October" in allegation 3(b)(i).

Mr Perkins submitted these were simply typographical errors in the allegations. The application was not opposed by Ms Emsley-Smith.

The panel granted the application on the basis of the public interest in having accurately drafted allegations.

Following the conclusion of the public element of the professional conduct panel hearing, the panel noted a further typographical error in the allegations. At Allegation 2(b)(x) the date was referred to as 13 March 2023. It was clear from the evidence before the panel and in the way that the parties had presented their cases that this date should have been 13 March 2021. The panel noted that the Disciplinary Procedures at paragraph 5.83 precluded the panel from amending the allegations after the findings of facts had been made. The panel considered there was a material risk that the public may mistakenly



consider that the misconduct alleged in Allegation 2(b) took place over a number of years, rather than months if this was not corrected.

The panel therefore considered that in fairness to Mr Edney and in the wider public interest that allegations are accurately drafted, it would disapply the rule at paragraph 5.83, as per the discretion given under paragraph 1.5(ii) of the Disciplinary Procedures and amend the allegation at this later stage in the proceedings.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 8 to 10

Section 2: Notice of proceedings and response – pages 11 to 29

Section 3: Teaching Regulation Agency witness statements – pages 30 to 59

Section 4: Teaching Regulation Agency documents – pages 60 to 175

Section 5: Teacher documents – pages 176 to 388

In addition, the panel agreed to accept the following:

- Disputed documents of 28 pages;
- Supplemental Witness Statement of Mr Edney of 6 pages.

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

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020.

### **Witnesses**

The panel heard oral evidence from the following witnesses called on behalf of the TRA:

- Witness A [REDACTED];
- Witness B [REDACTED].

The panel heard oral evidence from the following witnesses called on behalf of the teacher:

- Mr Thomas Edney (the teacher);



- Witness C (character witness).

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Edney qualified as a teacher in 2020. He took up his first teaching position as the Assistant Head of Music and Director of Chapel Music at Rossall School ("the School") in September 2020.

The School is an independent co-educational day and boarding school in Lancashire. It has around 800 pupils enrolled from nursery to sixth form. Further to Mr Edney's teaching and music commitments, he was also appointed as a Deputy Houseparent to one of the School's boarding houses known as '[REDACTED]'. This was a 'live-in' role at the boarding house in which Mr Edney would support the Houseparent in performing various boarding duties and providing pastoral support to the House's pupils.

Mr Edney would often visit one of the other boarding houses, known as [REDACTED] to meet with colleagues in the evening, when he was not on duty.

Pupil A was a [REDACTED] and was [REDACTED] that year. Pupil A [REDACTED] and was taught by Mr Edney. Pupil A [REDACTED] and would often also see and talk to Mr Edney when he had come across to [REDACTED] in the evenings.

Pupil B was [REDACTED]. She was [REDACTED] by Mr Edney and was also [REDACTED] Pupil A.

Much of the factual basis in this case is agreed between the parties. The following agreed factual events bear some significance in the case.

On 8 November 2020, Mr Edney met with Witness B [REDACTED], to raise a concern that Pupil A had started to address him in an informal manner in e-mail correspondence. Witness B advised Mr Edney to speak to Pupil A about the issue to ensure there was a clear divide between the pupil and teacher relationship.

On 21 November 2020, Mr Edney called for a further meeting with Witness B regarding Pupil A. During the meeting, Mr Edney raised that other pupils had begun making comments about Pupil A and him and a perceived relationship, mainly as a result of them often seeing the two of them together when Mr Edney would attend [REDACTED] in the evenings. Mr Edney further raised that it might be that Pupil A had developed a crush on him. Witness B had a discussion with Mr Edney about the difficulties of being a young teacher at a boarding school and trying to find the correct balance between being approachable but maintaining professional boundaries. Witness B further gave Mr Edney



some advice on practical measures he should take to protect both himself and Pupil A against any further concerns arising. The detail of that advice is the subject of further discussion in the panel's findings for Allegation 1.

Mr Edney emailed the [REDACTED] Individual A, on the evening of 10 December 2020 explaining that Pupil A had contacted him asking to meet with him after their next lesson and that he was aware that Individual A had met with Pupil A earlier that day. In response to that email, Individual A stated that she would be reluctant for Mr Edney to engage with Pupil A on personal issues and that if he was going to meet with Pupil A, this should be done at Pupil A's boarding house and in the company of one of his Houseparents.

On 7 February 2021, a meeting took place between Individual B, [REDACTED], and Mr Edney. Whilst its main purpose was to discuss other matters, during the meeting Individual B also raised that there had been further suggestions of a close relationship between Pupil A and Mr Edney. Individual B told Mr Edney that they should not be alone together at any point and that this advice must be strictly adhered to.

On 10 March 2021, Mr Edney made arrangements for a colleague to cover his duty time at the Boarding House for the afternoon of 14 March 2021.

On the afternoon of Sunday 14 March 2021, Mr Edney held a one to one tutoring session about a potential Oxbridge application with Pupil A in one of the Music department's classrooms.

On 15 March 2021, Witness B met with Mr Edney. Individual C [REDACTED] had forwarded the email exchange regarding the Sunday cover to Witness B earlier that week. In the meeting, Witness B asked Mr Edney what he was doing during the cover time on the Sunday afternoon and Mr Edney responded that he had met with Pupil A for a one-to-one tutoring session. He also confirmed that there was no one else present in the building and that he had not informed anyone that it was taking place.

In the days following this meeting, Witness B had been alerted by Individual A that Mr Edney had made a comment to her to the effect of saying that if his emails were checked, he might get the sack. Accordingly, Witness B made a request to IT to access Mr Edney's account. She found a significant number of emails between Mr Edney and Pupil A and Pupil B, which concerned her. The contents of those emails is the subject of further discussion in the panel's findings for Allegation 2.

On 17 March 2021, Mr Edney met with Individual B and Witness B. It was decided that Mr Edney should leave the School and spend some time away reflecting on his position.

On 18 March 2021, Mr Edney emailed Individual B and stated:

*"With regards to [Pupil A], I am fully aware that what I have done was wrong and has damaged the trust you, [Witness B] and [Individual C] have in me and I hope I*



*am able to regain this trust upon my return to school. I am again sorry this has happened and that I have let it get to this point. In meeting with [Pupil A] I don't believe I was arrogantly flaunting the rules previously laid out to me, but rather a combination of me not thinking carefully enough and with some naivety. I have put trust in [Pupil A], partially because I do see some of myself in him as I have discussed with [other colleagues], and because he is a pupil who shows enormous promise and dedication in Music."*

On 23 March 2021, Mr Edney offered his resignation, which was accepted by the School. Following this, the School made a referral to the TRA on 30 April 2021, which has resulted in this hearing.

## **Findings of fact**

The findings of fact are as follows:

### **1. You met with Pupil A on a one to one basis in a classroom on or around 14 March 2021, despite;**

#### **a. being advised by the [REDACTED] not to be alone with Pupil A on or around 21 November 2020;**

Witness B gave evidence before the panel. Her evidence of the meeting that took place on 21 November 2020 was that in light of the issue raised by Mr Edney, her advice was that he should not be alone with Pupil A in any room without windows and must ensure that the room door is left open and that there should be other people in the building. She further stated that if there were to be any one-to-one music lessons, the [REDACTED] should be informed. Her evidence was also supported by a note of the meeting which she said would have been created in the days following the meeting.

In Mr Edney's evidence, he stated that Witness B' advice was of the same nature as set out in her evidence.

In assessing this allegation, the panel noted the specific pleading of the allegation by the TRA. Whilst there was clear evidence of Mr Edney being advised not to be alone with Pupil A at all, such as during the meeting with Individual B on 7 February 2021 (which was in the evidence served in these proceedings by Mr Edney himself some time ago), the TRA have continued to advance the allegation in its current drafting. Taking account of the evidence available from the two participants of that meeting, the panel was of the view that the evidence did not show that Witness B advised Mr Edney not to be alone with Pupil A in absolute terms. The advice was qualified.

In the evidential picture before the panel, which included information about the layout of the music block, it could not be satisfied that it was more likely than not that Mr Edney was in a room without windows or had the door closed. Furthermore this was arguably



not a one-to-one music lesson, as it related to Pupil A's [REDACTED], which meant under the advice he was not required to inform the [REDACTED].

In light of the surrounding evidence regarding the clear advice to Mr Edney on a different occasion (for example on 7 February 2021), the panel paused to consider whether it should amend the allegation. It was apparent that the regulatory concern, at its heart, was in relation to failing to follow previously given advice. The panel took into account that the other evidence had been available to the TRA for a significant period of time and no such application had been sought, even during course of this hearing when that evidence has been discussed. The panel considered such an amendment would result in a significant change to the case Mr Edney had been called to answer, and had accordingly addressed in his case before the panel. Accordingly, the panel considered that such an amendment could create a significant unfairness on Mr Edney and therefore did not further consider amending the allegation.

Accordingly, the evidence did not satisfy the panel that it was more likely than not that the advice given on 21 November 2020 amounted to him being advised not to be alone with Pupil A.

Therefore the panel found this allegation not proved.

**b. informing a member of staff you were going to the music department to tidy up and/or organise yourself;**

In his evidence, Mr Edney accepted that he did not inform anybody of the arranged meeting with Pupil A that took place on 14 March 2021.

Further to the above set out chronology regarding Mr Edney making arrangements for his cover on Wednesday 10 March 2021, there was evidence of Mr Edney's communications at that time.

In particular, at that time Mr Edney was emailing both Pupil A and Individual C. The relevant parts of those exchanges are as follows:



Sender (Recipient)	Time	Message
Mr Edney (Pupil A)	14:46	<i>"Please could you decide when you'd prefer to do [music textbook] so I can book time off if it's on the weekend! Thank youuuuuuuuuuuuuuuu :)"</i>
Pupil A (Mr Edney)	15:26	<i>"sunday for the lols please"</i>
Mr Edney (Pupil A)	15:28	<i>"Post-dinner? I'll get cover so we can do it in my office cos vibes."</i>
Pupil A (Mr Edney)	15:29	<i>"niceeeee"</i>
Mr Edney (Individual C)	15:30	<i>"Hi [REDACTED], Could we possibly request cover for quiet time on Sunday as I need to be in Music during then. Any issues let me know and I'll rearrange. Many thanks, T."</i>
(Individual C) (Mr Edney)	16:59	<i>"Hi Tom, Is it something you would be able to arrange for a different time? I ask because quiet time on Sunday now is fairly hands on in that you need to be doing a house meeting, and then checking uniform, devices and rooms while they're captive. It's a key time really, for duty. Also, cover might be easier for day staff if it's earlier in the day - I'm not actually sure how late they're expected to be available for but it seems harsh to ask them to come in on a Sunday evening. Would suggest prep time on Saturday or maybe after lunch on Sunday? Hope that's not too annoying... Let me know, [REDACTED]"</i>
Mr Edney (Pupil A)	17:34	<i>"Apparently asking to get cover on Sunday evening is "rude" so can we either do an earlier time or do that time in SE?"</i>
Pupil A (Mr Edney)	18:49	<i>"hmm earlier is ok too"</i>
Mr Edney (Pupil A)	20:28	<i>"...have asked for Sun 3:30-5:30 to go through reading."</i>
Mr Edney (Individual C)	20:45	<i>"Hi [REDACTED], Instead, please could you request cover 3:30-5:30?"</i>



Witness A, another [REDACTED], was the colleague tasked to cover Mr Edney's house duty. Witness A evidence was that when she went to the boarding house to cover Mr Edney, they had a discussion about why the cover was needed and Mr Edney said there was lots of stuff left out in the room. Witness A said that she assumed equipment had been left out from earlier in the week. Mr Edney also said he wanted to get ahead for the next week as well. He did not mention meeting any pupils.

In his evidence, Mr Edney accepted that he did not inform the [REDACTED] or Witness B of the meeting and that was misjudged and inappropriate. In regard to the interactions with Witness A, Mr Edney said that he felt it was not 'relevant' to inform her of the meeting as she did not have any direct teaching or pastoral responsibilities for Pupil A.

Taking into account the agreed facts that a one-to-one took place and that Mr Edney accepts he did not inform anyone about it, it would appear that Mr Edney admitted this sub-allegation. However Mr Edney did not. Ms Emsley-Smith invited the panel to consider that the use of the word 'despite' in the stem of the allegation could only be interpreted as a reference to Mr Edney's state of mind having a wilful disregard to the advice he had received. The panel's view was that a consideration of Mr Edney's state of mind was more appropriately conducted at allegation 3a and that the natural ordinary meaning of the word should be applied in the first instance, that is a position or action not being influenced, notwithstanding a relevant countering effect.

Accordingly, on the undisputed factual matrix of this sub-allegation, the panel found this allegation proved.

## **2. You failed to maintain appropriate and/or professional boundaries with one or more pupils, by;**

### **a. making one or more inappropriate comments by email to Pupil A to the effect of;**

- i. "apparently asking to get cover on Sunday evening is rude" on or around 10 March 2021;**
- ii. "I really hope he's not a tory and is a liberal democrat because he's too nice a person to be a tory" on or around 10 March 2021;**
- iii. "there's also no such thing as a good tory" on or around 10 March 2021;**
- iv. "upset you're not at dinner as I basically copied ur outfit just to make a point lmao" on or around 12 March 2021;**
- v. "I care very much what certain people think but most people I do not care less" on or around 14 March 2021;**



vi. “could be worse and you could be part of the rossall massive in their sliders, greg tracksuits and casual classism/racism/homophobia/sexism/transphobia” on or around 14 March 2021;

vii. “lol don’t panic they aren’t sacking me yet” on or around 14 March 2021;

viii. “I think I deserve a medal for: 1) not punching homophobes in SE. 2) Not spontaneously combusting spending so much time next to a tory” on or around 14 March 2021;

ix. “also doing some maths to calm down cos you’ve whipped me up into a giddy mood” on or around 15 March 2021;

x. “why does Rossall hate the LGBTQ+ community” on or around 16 March 2021;

b. making one or more inappropriate comments by email to Pupil B to the effect of;

i. “I aint got no uterus” on or around 4 March 2021;

ii. “all the boys in house are having a go at my music and I’m sat here like u r boring” on or around 5 March 2021;

iii. “we can be friends once you leave school but like we are meant to be responsible for now” on or around 5 March 2021;

iv. “haha lad that is fkn mental absolute banta thooo pussy” on or around 5 March 2021;

v. “I never get bored because I am a Rossall slave cry” on or around 13 March 2021;

vi. “need to tidy my flat and I just cannot be fucked and I am on duty and honestly this is just the worse” on or around 13 March 2021;

vii. “if you do want me to piss off for bit tho that’s fine” on or around 13 March 2021;

viii. “ok ive emailed him I just feel awful cos I only like a few people in the world and I hate upsetting them lol” on or around 13 March 2021;

ix. “why didn’t he reply to me ffs” on or around 13 March 2021;

x. “men are terrible we should not be allowed emotions” on or around 13 March 2021;



**xi. “I just saw your email about being a male and I just wanted you to know that I am one of the gud guyz” on or around 16 March 2021;**

In the round, Mr Edney admitted these allegations. In his witness statement, he set out:

*“I completely accept that the language that I used in my email communication with Pupils A and B was not professional and or appropriate as a teacher.”*

However, Mr Edney’s admissions did not fully encompass the allegations. Mr Edney denied that the messages at 2(a)(iv), 2(a)(v), 2(a)(vii), 2(a)(ix), 2(a)(x), 2(b)(ii), 2(b)(iii),

2(b)(x) and 2(b)(xi) were inappropriate or crossed this professional boundary, when read in their proper context. For example, Mr Edney explained in his evidence in regard to 2(a)(x), that reference to the School hating the LGBTQ+ community was not an actual position he sought to advance with Pupil A, but was a joke in reference to ‘cheesy puff’ crisps being served in the School’s canteen.

The panel’s view was such attempts by Mr Edney to try and contextualise the messages was somewhat ill-considered. There was no recognition by Mr Edney that it could be the case that such a joke might not have been received as he had intended or may have been misinterpreted by the pupil – as can often be the case with some written communications. At the heart of all of these messages was the total collapse of the expected professional boundaries between a teacher and pupil. That was clear when messages were considered individually and collectively. They included messages which commented on other pupils and the School in disparaging terms, they even made light of the concerns being raised by others about aspects of the relationship between himself and Pupil A (such as the reference to them wearing the same type of clothes).

There was no dispute between the parties that there exists a duty on teachers to maintain appropriate and professional boundaries with pupils. The panel was satisfied by the messaging taking place in such a fashion as it did, it would amount to a failing of that duty. Furthermore, in the context of the drafting of this allegation, the panel considered there was no material distinction between a failure to maintain appropriate boundaries or professional boundaries.

Accordingly the panel found this these sub-allegations proved in full.

**c. using emojis in correspondence;**

In his evidence, Mr Edney accepted the use of emojis in his correspondence with Pupil A and Pupil B, although he did not accept that it amounted to a failure to maintain appropriate/professional boundaries. In his evidence, he highlighted two examples of other teachers using emojis. Those examples were i) a colleague had used the ‘crying with laughter’ emoji and ii) where a colleague had used the ‘praying hands’ emoji.

The panel found these unpersuasive comparisons to the use of emojis by Mr Edney in his communications with Pupil A and Pupil B. The ‘crying with laughter’ emoji was used in



a response to an email accidentally sent to that teacher, which was otherwise formally set out and only included an encouraging remark about that pupil discussing a piece of music. The ‘praying hands’ emoji was simply used along with the word ‘blessed’ and was a reference to the hot water being restored to one of the boarding houses after a couple of days without it.

Mr Edney’s use of emojis was far from these comparators. They were used in communications where the professional teacher/pupil relationship had all but completely evaporated. For example, in a message to Pupil B, Mr Edney writes:

*“Also like as much as I hate to admit it I do have a lot of similarities with [Pupil A] and I hated school so much so am like yeah want you to be happppoooy as i do for everyone [Emoji]”*

*A further example included:*

*“WHY DIDNT [Pupil A] REPLY TO ME FFS [Emoji]”*

As with Mr Edney’s denials regarding the appropriateness of the email messages generally, Mr Edney did not seem to have any regard to the possible issue of misinterpretation of the use of such emojis, particularly those including hearts, by the pupils.

Accordingly, the panel was satisfied that Mr Edney’s use of emojis, in the context that it was used, such as its frequency and possibly ambiguous nature, was inappropriate and breached professional boundaries.

Accordingly, the panel found this allegation proved.

#### **d. using terms of endearment such as ‘queen’;**

In his evidence, Mr Edney accepted he had used the phrase ‘queen’ and other terms such as ‘luv’. In his evidence, Mr Edney explained that the use of ‘queen’ was a reference to 80’s and 90’s drag culture and was an expression he had used before in his teacher training, without any suggestion it was inappropriate.

Mr Edney did not accept that the use of such terms, in the context that he used them would amount to being inappropriate or unprofessional.

The panel considered that the core issue is use of terms of endearment itself, rather than any specific terminology used. The use of terms of endearment potentially suggested an element of favouritism and treating some pupils differently. Accordingly such actions would not be considered appropriate or professional.

Accordingly, the panel found this sub-allegation proved.

### **3. Your behaviour as may be found proven at;**



**a. allegation 1b lacked integrity and/or was dishonest;**

Having found allegation 1b proved, the panel went on to consider if Mr Edney's actions were dishonest and/or lacking in integrity.

In assessing Mr Edney's state of mind, the panel took into account the following facts:

- 1) He had been advised on a number of occasions, and by this point in time, in wholly unambiguous terms, that he was not to be alone with Pupil A at any time;
- 2) He was aware there was now an obligation on him to notify other members of staff if he intended to meet with Pupil A.
- 3) Mr Edney understood there was a real concern from members of the senior leadership around the relationship between himself and Pupil A.

The panel considered that the only reasonable inference that could be drawn from the chronology of the messaging on 10 March, was that the primary purpose of arranging cover was to meet Pupil A on 14 March. He did so and purposefully did not inform any other member of staff prior to it taking place.

Furthermore, the panel noted that Mr Edney's explanation to Witness A was not logically consistent. In his evidence-in-chief, Mr Edney sought to further this explanation. He explained that it was genuinely his intention to also clear up the classroom from teaching Year 7 or 8 class on the Friday as the keyboards were all still out on the floor. This explanation however did not take into account that he had already sought to make the cover arrangements on the Wednesday before the lessons had happened. Mr Edney's evidence on this point was framed in way which suggested he was reacting to the classroom being in that fashion, rather than he had predicted it would end up in way. In essence, the panel considered Mr Edney's alternative explanation as lacking credibility. The panel took into account Mr Edney's good character, but weighing this factor did little to impact the underlying evidential picture.

The only evidential inferences that could be drawn on Mr Edney's state of mind was that he knew he couldn't meet with Pupil A alone or without notice to others. He went on to make such arrangements without providing any notice to other staff and during his interactions with Witness A purposefully did not inform her of his true intentions in order to conceal them.

The panel further considered that where a person had purposefully concealed their true intentions by giving a materially misleading account of their intentions, an ordinary intelligent citizen would consider those actions to be dishonest.

Consequently, as a result of the finding of dishonesty, it follows that Mr Edney's behaviour also lacked integrity.



Accordingly, the panel found this allegation proved.

**b. allegation 2 demonstrated a lack of insight into previous advice provided by the [REDACTED] relating to communication and/or maintaining appropriate relationships with pupils on or around;**

**i. 8 November 2020;**

**ii. 21 November 2020;**

**iii. 2 December 2020;**

Before the panel was evidence of Mr Edney's communication with Pupil A on 21 November 2020. It read:

*"Hi [Pupil A]*

*Thanks for your email. There is nothing you need to apologise for, your behaviour hasn't ever been unkind or not nice. As I said, the lack of formality is my mistake not yours. As your teacher it's important I explain these boundaries to you.*

*If you'd like to have a chat tomorrow I'm more than happy to go for a walk with you and we can discuss things? Let me know.*

*Best wishes,*

*Mr E."*

Alongside Mr Edney himself raising concerns about Pupil A closeness, this email demonstrated to the panel that Mr Edney had a clear understanding and ability to communicate appropriately with pupils. Despite this ability, he did not continue with it and allowed his relationship with Pupil A to move past the professional boundary into one of friendship. It appeared to the panel, that the desire to share a close friendship with Pupil A was a more significant priority to Mr Edney than respecting professional boundaries and this was notwithstanding the clear guidance from the [REDACTED]. The messaging even continued after the meeting on 15 March 2021.

Accordingly the panel was satisfied that Mr Edney's actions demonstrated a lack of insight and therefore found this allegation proved.

**c. Allegation 2aii and/or 2aiii demonstrated a lack of tolerance and/or respect for the rights and/or beliefs of others.**

The panel considered that the remarks in Allegation 2aii and 2aiii were wholly inappropriate. However, they were limited in their scope in so far as they touched on matters of political persuasion and could not be said to have crossed the line into demonstrating a lack of tolerance, or respect for the rights or beliefs of others.



Accordingly, the panel found this allegation not proved.

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

The panel was satisfied that the conduct of Mr Edney, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Edney 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 Edney's conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel noted the "fraud or serious dishonesty" entry, but it did not consider that Mr Edney's dishonest actions could be categorised as being akin to 'serious dishonesty' in the criminal perspective.

The panel gave careful consideration as to whether Mr Edney's actions crossed the seriousness threshold and if they did fall significantly short of the standards expected of the profession.

Taking into account the prolonged level of conduct, in clear breach of the training and guidance given to him, the findings of dishonesty and lack of insight, the panel considered the allegations could not be considered as a mere temporary lapse or otherwise excusable or forgivable. Whilst there was no evidence of any harm before the panel, there clearly was a risk of harm to Pupil A's well-being. This was recognised in Mr Edney's own responses to the concerns raised about Pupil A's [REDACTED], yet he persisted in putting his own personal relationship with Pupil A at the forefront of his considerations.



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

In relation to whether Mr Edney's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

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. Keeping professional boundaries between teachers and pupils is a fundamental aspect of any teacher's practice. Without it, a teacher has no authority or ability to properly discharge their duties. It strikes at the heart of the public's expectation that teachers continuously hold themselves to professional boundaries in their relationships with pupils. Without that expectation public confidence would be quickly eroded in the profession.

The panel therefore found that Mr Edney'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 safeguarding and wellbeing of pupils
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct



In the light of the panel's findings against Mr Edney, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings of his failures to maintain 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 Edney were not treated with the utmost seriousness when regulating the conduct of the profession. The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Edney was outside that which could reasonably be tolerated. In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Edney in the profession. 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 Edney.

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 Edney. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- 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);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions...

The panel gave careful consideration to the issue of dishonesty in this case. In its assessment, the panel considered the form of the dishonesty and its seriousness could properly be considered at the lower end of the spectrum. It was an isolated and short-lived aspect in regard to the misconduct before the panel.



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.

Taking account of the factors set out at page 18 of the advice, the panel considered that Mr Edney's actions were deliberate and that he was not acting under duress. Whilst there was evidence before the panel that he was a competent teacher and had progressed the choir well in his short time at the School, it could not be said that Mr Edney had made a significant contribution to the education sector, albeit the panel recognised Mr Edney was a relatively junior teacher.

The panel took into account the positive character evidence from Witness C, a [REDACTED] with decades of experience. Witness C stated:

*"I have continued to meet with Tom on a regular basis since he left Rossall. He has developed as a professional and has been reflective about the lessons he learned from his time teaching. Tom understands the need for clear boundaries between staff and young people."*

The panel also considered two other written testimonials in the bundle. The panel noted that the authors of those testimonials had addressed them to the panel and that they were aware of the nature of the allegations against Mr Edney. One of the testimonials, from a [REDACTED], where Mr Edney currently delivers music workshops set out:

*"I am aware of the TRA hearing and cannot balance this with the Tom I know and have worked with. He is committed to the work he undertakes in music, I have not seen any overstepping of professional boundaries nor has there been any evidence of safeguarding issues in all the work he and I have been involved in together."*

At the sanction stage of the proceedings, Mr Edney again gave sworn evidence to the panel. The panel noted many teachers do not provide further oral evidence at this stage in the proceedings and it was a positive feature of Mr Edney's case that he chose to do so.

As set out in the previous stages, the panel had some concerns about Mr Edney's insight into his actions. However, the panel kept in mind Mr Edney had still made a number of admissions in this case and particularly taking into account Mr Edney's further oral evidence at the sanction stage, the panel was satisfied that Mr Edney's insight was now sufficiently developed to suggest that any remaining risk of repetition was at a lower level which did not call for restrictive regulatory action in order to protect pupils.



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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

## **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 sanction.

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including 1a and 3c). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Thomas Edney should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Edney 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 Edney fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In 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 or 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 Edney 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/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Edney, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the findings of his failures to maintain professional boundaries with 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, "Taking into account the prolonged level of conduct, in clear breach of the training and guidance given to him, the findings of dishonesty and lack of insight, the panel considered the allegations could not be considered as a mere temporary lapse or otherwise excusable or forgivable. Whilst there was no evidence of any harm before the panel, there clearly was a risk of harm to Pupil A's well-being. This was recognised in Mr Edney's own responses to the concerns raised about Pupil A's [REDACTED], yet he persisted in putting his own personal relationship with Pupil A at the forefront of his considerations." In my judgement, the lack of full insight 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 Edney were not treated with the utmost seriousness when regulating the conduct of the profession. The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Edney was outside that which could reasonably be tolerated.”

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 or conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Edney himself and the panel comment “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.”

A prohibition order would prevent Mr Edney 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 insight or remorse. The panel has said, “At the sanction stage of the proceedings, Mr Edney again gave sworn evidence to the panel. The panel noted many teachers do not provide further oral evidence at this stage in the proceedings and it was a positive feature of Mr Edney’s case that he chose to do so. As set out in the previous stages, the panel had some concerns about Mr Edney’s insight into his actions. However, the panel kept in mind Mr Edney had still made a number of admissions in this case and particularly taking into account Mr Edney’s further oral evidence at the sanction stage, the panel was satisfied that Mr Edney’s insight was now sufficiently developed to suggest that any remaining risk of repetition was at a lower level which did not call for restrictive regulatory action in order to protect pupils.”

I have also placed considerable weight on the finding of the panel that “given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”



I have given weight in my consideration of sanction therefore, to the contribution that Mr Edney has made to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a stylized, cursive script.

**Decision maker: Sarah Buxcey**

**Date: 16 July 2024**

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