



Teaching
Regulation
Agency

Mr Nigel Brunt: 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 Nigel John Brunt

Teacher ref number: 9453140

Teacher date of birth: 28 May 1971

TRA reference: 19251

Date of determination: 24 July 2024

Former employer: Plume, Maldon's Community Academy, Essex

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 22 - 24 July 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Nigel Brunt.

The panel members were Mr Adnan Qureshi (lay panellist – in the chair), Mrs Diana Barry (teacher panellist) and Mrs Kate Charles (lay panellist).

The legal adviser to the panel was Miss Beth Gilbert of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mrs Heather Anderson of Browne Jacobson LLP solicitors.

Mr Brunt was present for part of the hearing and was represented by Mr Andrew Faux of The Reflective Practice.

The hearing took place in public, save for parts which were heard in private, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 28 June 2024.

It was alleged that Mr Brunt was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Vice Principal at the Plume, Maldon's Community Academy ('the Academy'):

1. Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A in that he sent one or more messages to Pupil A between approximately January 2020 – March 2020 which:
 - a. were thousands in number and/or were significant in number.
 - b. one or more messages were sent during Pupil A's school day.
 - c. were inappropriate in tone and/or language.
 - d. referred to Pupil A by one or more nicknames and/or terms of endearment and/or complimented Pupil A including calling Pupil A:
 - (i) Beautiful
 - (ii) Amazing
 - (iii) Special young lady
 - (iv) Granddaughter
 - e. commented on Pupil A's physical appearance.
 - f. referred to missing Pupil A and/or enjoying her company.
 - g. referred to hugging and/or kissing Pupil A and/or signing off one or more messages with an 'x' or a kiss emoji.
 - h. made suggestions of a sexual nature/innuendo and/or inappropriate nature towards Pupil A.
 - i. telling Pupil A he loved her.
 - j. discussed personal matters with Pupil A including:
 - (i) matters relating to the Academy and/or Academy staff.
 - (ii) matters relating to his own personal life and/or Pupil A's personal life and family.
 - (iii) matters relating to his own health and/or Pupil A's health.
 - k. requested Pupil A to delete and/or keep a secret one or more messages and/or communications.
 - l. displayed controlling and/or persuasive behaviour towards Pupil A.

2. Mr Brunt failed to maintain appropriate professional boundaries with Pupil A, including by:
 - a. On one or more occasion meeting and/or requesting to meet Pupil A outside of the Academy and/or taking Pupil A to his smallholding.
 - b. Giving Pupil A gifts on one or more occasions.
 - c. Obtaining Pupil A's mobile number and communicating with Pupil A via WhatsApp and/or text and/or telephone.
 - d. Made physical contact with Pupil A such as hugging.
 - e. Discussing matters of a personal nature as alleged at allegations 1(j) above.
3. Mr Brunt's conduct as may be found proven at allegation 1 and/or allegation 2 was conduct of a sexual nature and/or was sexually motivated.
4. Mr Brunt's conduct as may be found proven at allegation 1(j) and/or 2(e) lacks integrity.
5. Mr Brunt's conduct as may be found proven at allegation 1(k) was dishonest and/or lacked integrity.
6. Mr Brunt's conduct as may be found proven at allegations 1 and/or 2 was a breach of position of trust.

Mr Brunt admitted the facts of allegations 1(a) - (l), 2(e), 4 and 6.

Mr Brunt admitted the facts of allegations 2(a) - (c), save that he made no admission whether this conduct amounted to a failure to maintain appropriate professional boundaries.

Mr Brunt admitted part of the facts of allegation 5, that the conduct lacked integrity. Mr Brunt denied part of the facts of allegation 5, that the conduct was dishonest.

Mr Brunt denied the facts of allegation 2(d) and 3.

Mr Brunt made no admission whether his admitted conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered four applications as follows:

Application to admit hearsay evidence

The panel considered an application from the presenting officer to admit the witness

Statement of Individual A. [REDACTED] and exhibited materials. These documents were provided to the panel as evidence ahead of the hearing, to be relied on by the presenting officer. The panel heard submissions from the presenting officer as to why these documents should be admitted.

No objection was made by Mr Brunt's representative to the application.

Under paragraph 5.33 of the Teacher Misconduct: Disciplinary procedures for the teaching profession 2020 ("the Procedures"), the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel also considered the case of *Thorneycroft v NMC* [2014].

The panel was satisfied that the documents may reasonably be considered to be relevant to the case because it demonstrated why the allegations were initially investigated by the Academy.

The central question for the panel was whether it is fair in the circumstances to allow evidence to be put forward by the presenting officer without the panel having the opportunity to test the evidence.

The panel took into account the efforts made to secure the attendance of the witness and concluded this had not been possible as the witness was not willing to attend. The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if the allegations are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against Mr Brunt. The panel found these documents were not key evidence as other evidence has been presented to the panel which more properly constituted key evidence, central to the issues in the case. There are a large amount of messages relied on which Mr Brunt has had the opportunity to comment on.

The panel concluded that inclusion of the evidence would not materially affect its decision making, but would provide additional contextual knowledge and understanding of the allegations and factual background.

In these circumstances, given that efforts have been made to secure the attendance of Individual A as a witness, and that Mr Brunt's representative did not object to the admission of the evidence, the panel decided that there were sufficient safeguards to protect Mr Brunt against any unfairness caused by being unable to cross-examine Individual A. The panel noted it will determine what weight, if any, it should attach to the evidence.

By reason of the above, the panel decided to admit the witness statement of Individual A, and exhibited materials.

Application to admit video evidence

The panel considered an application from Mr Brunt's representative to admit evidence of Witness A to be adduced by video link. The panel heard submissions from Mr Brunt's representative as to why the evidence should be admitted.

No objection was made by the presenting officer to the application.

The panel noted that pursuant to paragraph 5.33 of the Procedures, the panel may admit any evidence where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel therefore considered it had a discretion as to whether to allow Witness A to give evidence by video link given the distance the witness would have to travel to Coventry, the costs entailed and, the witness' work commitments. In exercising that discretion, the panel balanced its obligation to ensure that Mr Brunt is not put at an unfair disadvantage, as against the panel's duty in the public interest to investigate the allegations in so far as possible consistent with fairness to Mr Brunt. The panel also took into account that there may be subtleties of tone or body language that might be lost via the medium of video link.

The panel was satisfied on the evidence that there had been sufficient explanation as to how Witness A's work commitments and travel time would impact her attending in person as she resided and worked in North England. The panel also noted the financial commitment required from Mr Brunt's supporting union to facilitate Witness A's attendance in person given she was an instructed professional, giving evidence in respect of a [REDACTED] she had prepared.

The panel considered that allowing Witness A's evidence to be given by video link would ensure Mr Brunt is fully able to present his case, and fairness requires that the presenting officer should be given the opportunity to ask questions of this witness. The public interest is in favour of the allegations being investigated by the panel receiving the evidence of this witness.

The panel realised there may be subtleties of tone or body language lost via the medium of video link but considered that such matters could, in any event, be taken into account when assessing the weight it attributes to the evidence admitted by video link.

By reason of the above, the panel decided to admit the video evidence.

Application to exclude the public from the hearing

The panel considered an application from Mr Brunt's representative to exclude the public from all of the hearing. The panel heard submissions from Mr Brunt's representative as to why the public should be excluded from the hearing, including that circumstances relating to Mr Brunt's [REDACTED] is sensitive personal data which

should not be in the public domain. Mr Brunt's representative further submitted that matters concerning Mr Brunt's [REDACTED] overlaid everything to be heard, meaning the practicalities of managing only part of the hearing in private would be difficult.

The panel heard submissions from the presenting officer who objected to the application to exclude the public from all of the hearing, but made no objection to exclude the public from part of the hearing when reference is made to Mr Brunt's [REDACTED]. The presenting officer submitted that she does not dispute matters relating to Mr Brunt's [REDACTED] could be heard in private, however, not all matters to be heard would relate to Mr Brunt's [REDACTED], such as the volume of messages sent by Mr Brunt to Pupil A. The presenting officer further disputed the position that managing part of the hearing in private would be difficult as the panel was experienced in dealing with such circumstances.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Procedures to exclude the public from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel has noted that there are concerns about confidential matters relating to Mr Brunt's [REDACTED] being placed in the public domain. The panel has balanced the reasons why Mr Brunt's representative has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel has therefore, considered whether there are any steps short of excluding the public from all of the hearing that would serve the purpose of protecting the confidentiality of matters relating to Mr Brunt's [REDACTED]

The panel took account of the teacher documents whereby several references were made to Mr Brunt's [REDACTED]. The panel noted that there were also references to Mr Brunt's [REDACTED] in the written evidence of Witness A, which would also be discussed in her oral evidence.

On this occasion, the panel considered that it was reasonable for the public to be excluded from part of the hearing given the concerns about confidential matters relating to Mr Brunt's [REDACTED] being placed in the public domain. The panel did not consider that there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to Mr Brunt's [REDACTED]. However, the panel found the request for the public to be excluded from all of the hearing was not justified and went beyond the extent reasonably necessary to

protect Mr Brunt's confidential [REDACTED] information. The panel agreed with the presenting officer that the panel was experienced in dealing with the practicalities of having part of the hearing in private.

For the above reasons, the panel denied the application for the public to be excluded from all of the hearing, but agreed to matters relating to Mr Brunt's [REDACTED] to be heard in private.

Application for proceeding in absence

Mr Brunt attended the start of the hearing up until the end of his oral evidence. However, after Mr Brunt provided his oral evidence, Mr Brunt's representative made an application to proceed in the absence of Mr Brunt.

No objection was made by the presenting officer to the application.

The panel considered whether the hearing should continue in the absence of Mr Brunt.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19(1)(a) to (c) of the Regulations.

The panel considered that Mr Brunt had not been provided the requisite length of notice of at least 10 weeks in accordance with paragraph 5.23 of the Procedures, as the Notice of Proceedings was dated 28 June 2024, thereby providing 3 weeks' notice. However, the panel was satisfied that Mr Brunt had waived his right to 10 weeks' notice. The panel was therefore satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Procedures.

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* [2003] that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016].

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel first took account of the various factors drawn to its attention from the case of *R v Jones* [2003].

As Mr Brunt had attended part of the hearing and had given his oral evidence, which the panel had an opportunity to cross-examine him on, the panel was satisfied that Mr Brunt was aware of the proceedings. The panel therefore considered that Mr Brunt waived his right to be present at the remainder of the hearing in the knowledge of when

and where the hearing was taking place.

The panel heard from Mr Brunt's representative that Mr Brunt waived his right to attend the remainder of the hearing as he did not seek to hear further regarding the circumstances of his allegations due to the impact it was having on [REDACTED]. The panel understood that Mr Brunt's representative had spoken with Mr Brunt regarding this position and noted that if Mr Brunt wanted to provide any further input to the hearing, then instructions could be given to his representative.

The panel considered that it was unlikely that an adjournment might result in the teacher attending.

The panel noted that, given Mr Brunt had already given his oral evidence, the degree of risk of the panel reaching the wrong decision and the extent of the disadvantage to Mr Brunt was limited as he had been able to give his account of the events.

The panel recognised that the allegations against Mr Brunt are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that Mr Brunt ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst the teacher was employed at the Academy. The Academy will have an interest in this hearing taken place in order to move forwards.

The panel also noted that Witness A was prepared to give evidence, and that it would be inconvenient for them to return again. Witness A is a witness to be called on behalf of Mr Brunt and having that witness available is in their interests.

The panel decided to proceed with the hearing in the absence of Mr Brunt. The panel considered that in light of Mr Brunt's waiver of his right to appear, and taking account of the inconvenience an adjournment would cause to the witness, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

For the above reasons, the panel accepted the application for part of the hearing to proceed in the absence of Mr Brunt.

Summary of evidence

Documents

In advance of the hearing, the panel received two bundles of documents which included:

Bundle 1

Section 1: Chronology and anonymised pupil list – pages 5 to 7

Section 2: Notice of proceedings and response – pages 9 to 23

Section 3: Teaching Regulation Agency witness statements – pages 25 to 28

Section 4: Teaching Regulation Agency documents – pages 30 to 281

Section 5: Teacher documents – pages 283 to 378

Bundle 2

Section 1: log of text/WhatsApp messages retrieved by the police – pages 1 to 1,562

In addition, the panel agreed to accept the following:

- Application form dated 15 July 2024, submitted by the presenting officer.

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

The additional document contained representations rather than evidence. It was therefore unnecessary for the panel to determine its admissibility.

Witnesses

The panel heard oral evidence from Mr Brunt and the following witness called by Mr Brunt's representative:

- Witness A, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Introduction

Mr Brunt obtained his first teaching role in 1995, and began his employment at the Academy as head of year 11 in 2001. By 2013, Mr Brunt was vice principal of the Academy.

In 2018 Mr Brunt became a designated person for child protection, safeguarding level 3.

Mr Brunt taught Pupil A in 2018 when she was a year [REDACTED] student at the Academy.

On 30 March 2020, Essex police informed the Academy that serious allegations had been made against Mr Brunt in relation to Pupil A which were subject to a police investigation.

On 30 October 2020, the Local Authority Designated Officer (“LADO”) provided the Academy with copies of 2,400 messages sent between Mr Brunt and Pupil A between January 2020 and February 2020. Pupil A was a year [REDACTED] student at the Academy at the time the messages were sent.

The Academy subsequently investigated the information provided by LADO.

Mr Brunt was invited to attend a disciplinary hearing on 27 November 2020 and was thereafter dismissed from the Academy.

On 3 December 2020, the matter was referred to the TRA.

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:

1. Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A in that he sent one or more messages to Pupil A between approximately January 2020 – March 2020 which:

a. were thousands in number and/or were significant in number

Mr Brunt admitted the allegation. Mr Brunt stated “there is no factual dispute that I sent Pupil A thousands of messages”.

The panel had sight of messages contained in a log, spanning 1,562 pages, sent between Mr Brunt and Pupil A, which was provided as evidence. The log of messages had been collated by the police following the retrieval of data from Mr Brunt’s mobile phone which was in evidence as part of the police investigation. The panel exercised caution when relying on this evidence, due to the possibility of the log containing inaccuracies. The panel noted that Mr Brunt did not dispute the accuracy of the log, save for the individual names referred to within the messages being anonymised. Whilst the log of messages referred to Pupil A as being ‘victim’, the panel heard from Mr Brunt that this was not the terminology he used in his messages and was a reference inserted by the police. This was supported by the police documents given in evidence, which clarified the anonymised list of names.

The panel also had sight of 15 pages of screenshots of messages sent between Mr Brunt and Pupil A which was provided as evidence. In exercising caution in relation to the log of

messages, the panel cross-referenced the screenshots of messages with the log of messages and found there to be consistency, save for the anonymised names. The panel was therefore satisfied that it could rely on the log of messages whilst being mindful that it contained reference to anonymised individuals.

The panel noted the message log spanned 1,562 pages with approximately 10 – 20 messages sent between Mr Brunt and Pupil A per page, from December 2019 to March 2020.

The panel also considered the witness statement of Individual A which outlined that the messages given in evidence were provided to the Academy by the LADO. Individual A understood from the LADO that copies of around 2,400 messages were given to the Academy which was a “snapshot” of the “around 60,000” messages that had been exchanged between Mr Brunt and Pupil A. Individual A also outlined that she was unaware as to why the LADO did not provide copies of the totality of messages sent between Mr Brunt and Pupil A to the Academy. The panel noted that Individual A’s evidence is hearsay, and therefore little weight was attributed to it.

The panel heard from Mr Brunt that he accepted the log of messages reflected the messages sent by him to Pupil A. Whilst Mr Brunt did not deny that there were 60,000 messages in total with Pupil A, he could not confirm the total amount was accurate as only a portion of the messages were in evidence and the records on his mobile phone had been deleted by the police following their investigation.

The panel assessed the weight and reliability of the evidence. Given the log of messages contained in evidence was supported by the screenshots of messages provided to the panel and the admission by Mr Brunt, the panel was satisfied that the messages sent between Mr Brunt and Pupil A were thousands in number and/or were significant in number.

The panel considered the significant number of messages demonstrated that Mr Brunt engaged in and/or developed a very close relationship with Pupil A. The panel was satisfied that the very close relationship was inappropriate, given Mr Brunt’s role as a teacher, that he had previously taught Pupil A at the Academy, and that Pupil A was [REDACTED] years old at the time the excessive messaging began.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(a) was therefore, found proven.

b. one or more messages were sent during Pupil A’s school day.

Mr Brunt admitted the allegation.

The panel noted messages in evidence were sent by Mr Brunt to Pupil A during the school day, due to the time and date stamp on the log of messages. On 5 February 2020, several messages were sent throughout the day between 7:43am and 11:22pm. The panel further notes that Mr Brunt specifically states in a message to Pupil A at

1:24pm “*because u r at school*” to which Pupil A replied “*at the moment, yes*”.

The panel considered that it had no reason to doubt the validity of the time and date stamp on the log of messages given that there was consistency with the 15 pages of screenshots also given in evidence, and the panel also heard from Mr Brunt that he accepted the log of messages as a reflection of those sent by him to Pupil A. The panel also considered that the content of the messages themselves supported that they were sent during Pupil A’s school day.

On the balance of probabilities, the panel was satisfied that one or more messages were sent by Mr Brunt to Pupil A during Pupil A’s school day. In doing so, the panel considered Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A, as Mr Brunt should not be drawing Pupil A’s attention away from her studies. The panel noted that Mr Brunt would be well aware that his messages would be distracting Pupil A from maintaining a good attitude to her studies.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(b) was therefore, found proven.

c. were inappropriate in tone and/or language.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which contained language commonly referred to as swear words. On 17 February 2020 and 22 February 2020 Mr Brunt used the word “*shit*”. On 11 March 2020 Mr Brunt used the word “*fuck*”.

The panel considered that this amounted to language which was inappropriate to use between a teacher and a student, as well as between an adult and a child.

The panel further noted a message sent by Mr Brunt to Pupil A on 10 March 2024 within which he referred to Pupil A being called an [REDACTED] The panel considered the term to be derogatory when used by reference to a person.

Additionally, the panel noted Mr Brunt’s reference in a message to Pupil A on 5 March 2020 to “*kick a ginger day*” which they considered to be inappropriate language purporting violence towards individuals with certain characteristics. The panel considered oral evidence provided by Mr Brunt in relation to this message. The panel heard that “*kick a ginger day*” was a joke, in reference to an online meme. The panel did not consider this to be a reasonable justification.

The panel considered that Mr Brunt’s use of swear words and derogatory terms amounted to language which was inappropriate to use between a teacher and a student, as well as between an adult and a child. The panel also considered that such language was not consistent with Mr Brunt’s role as a teacher and DSL, being that he should be mindful of safeguarding children. In particular, Mr Brunt’s reference to Pupil A’s mother calling her a “*bitch*” was not supportive of Pupil A’s family and her

safeguarding needs. In using inappropriate language, the panel considered Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(c) was therefore, found proven.

d. referred to Pupil A by one or more nicknames and/or terms of endearment and/or complimented Pupil A including calling Pupil A:

(i) Beautiful

(ii) Amazing

(iii) Special young lady

(iv) Granddaughter

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which showed Mr Brunt referred to Pupil A by nicknames and terms of endearment. Mr Brunt referred to Pupil A being his “*granddaughter*” on 21 February 2020, 27 February 2020 and 8 March 2020. On 7 March 2020, Mr Brunt referred to Pupil A as a “*very special young lady*”. On 11 March 2020 Mr Brunt referred to Pupil A as being “*amazing and lovely and caring and kind and empathetic and a truly beautiful person*”.

The panel heard from Mr Brunt that he was striving to make Pupil A feel better about herself by sending messages containing nicknames and terms of endearment.

The panel considered the use of such nicknames and terms of endearment might be appropriate in certain circumstances. For example, if a teacher was to congratulate a student on the completion of their exam it might be appropriate to tell them they are amazing. However, the panel considered that the context in which Mr Brunt used the nicknames and terms of endearment was inappropriate, being that they were repeated numerous times in direct private messages to Pupil A. The panel considered it inappropriate for a teacher to refer to a pupil in this way.

In particular the panel considered that Mr Brunt understood the vulnerability of Pupil A, and by providing her compliments, Mr Brunt would have been aware of the affection that she could build towards him. The panel noted that this was a breach of professional boundaries and therefore considered that Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(d)(i) - (iv) was therefore, found proven.

e. commented on Pupil A's physical appearance.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which showed

Mr Brunt commented on Pupil A's physical appearance. On 25 February 2020 Mr Brunt referred to Pupil A as [REDACTED] on 27 February 2020 Mr Brunt stated [REDACTED] In one instance Mr Brunt commented on Pupil A's [REDACTED] on 9 March 2020 and that her [REDACTED]

The panel considered that comments on Pupil A's physical appearance amounted to a breach of Mr Brunt's professional boundaries and therefore considered that Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A by repeatedly making such references.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(e) was therefore, found proven.

f. referred to missing Pupil A and/or enjoying her company.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which stated that he missed her. On 8 March 2020, Mr Brunt said "*really missed you again today*" and on 26 March 2020 "*miss u too*".

The panel noted several messages sent by Mr Brunt to Pupil A were in evidence which stated that he enjoyed her company. On 29 January 2020, Mr Brunt said "*I like your company... a lot*" and on 22 March 2020, "*I love spending time with u*". In particular, the panel noted reference to Mr Brunt's message on 13 March 2020 which stated "*I am soooooo looking forward to spending time with just u*".

The panel considered that repeated messages referring to missing and enjoying Pupil A's company was inappropriate between a teacher and a pupil, as well as between an adult and a child. The panel noted that Mr Brunt particularly referred to wanting to spend time with just Pupil A by herself, demonstrating that Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A which went beyond his professional boundaries. In particular the panel noted Mr Brunt's position of power and the potential isolation from Pupil A to her family.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(f) was therefore, found proven.

g. referred to hugging and/or kissing Pupil A and/or signing off one or more messages with an 'x' or a kiss emoji.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which referred to hugging. On 4 February 2020, Mr Brunt said "*r u coming over for a hug tonight?*" and on 11 February 2020 "*still haven't had that hug u owe me*".

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which included a 'x' or a kiss emoji such as on 13 and 16 March 2020.

The panel considered this meant Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A as the exchange of messages gradually introduced more references to kissing and hugging, showing a development to the nature of their relationship beyond what is generally considered to be professional between a teacher and a student.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(g) was therefore, found proven.

h. made suggestions of a sexual nature/innuendo and/or inappropriate nature towards Pupil A.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which made suggestions of a sexual nature or innuendo. On 25 March 2020, Pupil A queried "*what is hard?*" when Mr Brunt suggested that it was hard not seeing Pupil A, and Mr Brunt responded to say "*there is one thing on a man that gets hard*".

The panel heard from Mr Brunt that his response to "*what is hard?*" was not sexually motivated and he was "*trying to be funny*". The panel therefore considered that Mr Brunt accepted the use of the sexual innuendo, but he was asserting that his motivation was to be funny.

The panel further considered the message sent by Mr Brunt on 25 February 2020 which stated "*your getting bruises in bed.. I need to talk to your boyfriend about that*". The panel heard from Mr Brunt that this message was "*misplaced humour*" when questioned on whether this referred to rough sex. The panel did not consider that the attempted humour justified the use of a sexual innuendo.

The panel also considered the message from Mr Brunt to Pupil A on 29 February 2020 which stated "*lieing [sic] on your back flashing. Your private parts*". The panel is satisfied that this message contained a suggestion of a sexual nature, by Mr Brunt.

The panel considered the use of several sexual innuendos and/or suggestions of a sexual nature in conversations with Pupil A meant that Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A. The panel was satisfied that these comments are not appropriate to make between an adult and child, let alone a teacher and a student with standards of professionalism.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(h) was therefore, found proven.

i. telling Pupil A he loved her.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which stated he loved his granddaughter. Mr Brunt said “*I do love my granddaughter*” on 2 March 2020. On 3 March 2020, Mr Brunt stated “*I love my granddaughter*” and again said on 8 March 2020 “*I love my granddaughter too*”.

The panel further noted, from allegation 1(d) being found proven, that Mr Brunt referred to Pupil A by the nickname “*granddaughter*” albeit there was no family relationship between them. The panel considered in the circumstances that it was not plausible for Mr Brunt to be referring to someone else in the conversation with Pupil A. As such, the panel concluded the messages showed that Mr Brunt told Pupil A that he loved her.

On 18 March 2023, the panel noted from the messages in evidence that Mr Brunt said “*I love my victim more*”. It was noted by the panel, as earlier referred to, that the log of messages contained anonymised individuals, whereby Pupil A was referred to as ‘victim’. As such, the panel concluded that this message showed Mr Brunt saying he loved Pupil A.

The panel considered this meant Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A, as it was not deemed to be suitable for a teacher to express a high level of affection to a student, especially in circumstances where inferences could be drawn as to whether the love is sexual or not.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(i) was therefore, found proven.

j. discussed personal matters with Pupil A including:

(i) matters relating to the Academy and/or Academy staff.

(ii) matters relating to his own personal life and/or Pupil A’s personal life and family.

(iii) matters relating to his own health and/or Pupil A’s health.

Mr Brunt admitted the allegation.

The panel noted several messages sent by Mr Brunt to Pupil A were in evidence which discussed personal matters of the nature alleged in the sub-allegations referred to above.

On 20 February 2020, Mr Brunt states “I have a meeting tomorrow about work” followed by “it involves solicitors”.

On 8 March 2020, Mr Brunt states “in a week your mum will be telling people u attacked her with a chainsaw”. Mr Brunt further refers to Pupil A’s mother being

“horrible” on 23 March 2020.

On 5 March 2020, Mr Brunt asks Pupil A “are u anxious”, and on 8 March 2020 refers to himself as being “a bit anxious”.

The panel considered this meant Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A, on the basis that Mr Brunt should not be engaging a child in conversations regarding adult problems or confidential work information.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(j)(i) - (iii) was therefore, found proven.

k. requested Pupil A to delete and/or keep a secret one or more messages and/or communications.

Mr Brunt admitted the allegation.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which referred to deleting messages. On 2 March 2020, when Pupil A said “I’m going to delete these messages”, Mr Brunt responded “just delete everything”. On 12 March 2020, Mr Brunt also stated “you might have to delete my next message too”.

The panel heard from Mr Brunt that he suggested that Pupil A could delete messages if this would alleviate her concerns due to ongoing [REDACTED].

The panel further noted messages sent by Mr Brunt to Pupil A were in evidence which referred to keeping a secret. On 5 February 2020, Mr Brunt said “promise not to tell your mum”.

The panel considered this meant Mr Brunt engaged and/or developed an inappropriate relationship with Pupil A, as he was seeking to interfere within Pupil A and her mother’s relationship by concealing messages.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(k) was therefore, found proven.

l. displayed controlling and/or persuasive behaviour towards Pupil A.

Mr Brunt admitted the allegation.

The panel considered the messages sent between Mr Brunt and Pupil A. Mr Brunt sent Pupil A a message which said “I will only tell you if you promise not to tell your mum” when asked about what he was doing. Mr Brunt further told Pupil A “I won’t take you to the field ever again”.

The panel heard from Mr Brunt that he “wasn’t trying to persuade her to hug”.

The panel considered this meant Mr Brunt engaged and/or developed an inappropriate

relationship with Pupil A, as he used controlling and/or persuasive behaviour whilst in a position of power as a teacher with respect to a student. The panel considered the imbalance of power between Mr Brunt and Pupil A, especially noting Pupil A was vulnerable.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 1(l) was therefore, found proven.

2. Mr Brunt failed to maintain appropriate professional boundaries with Pupil A, including by:

a. On one or more occasion meeting and/or requesting to meet Pupil A outside of the Academy and/or taking Pupil A to his smallholding.

Mr Brunt admitted the allegation, save that he made no admission that the conduct amounted to a failure to maintain appropriate professional boundaries.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which referred to Pupil A meeting Mr Brunt at his smallholding. The panel heard from Mr Brunt that he had an “open house” and various individuals within his community attended his smallholding. This was especially so after [REDACTED] in 2019, as his community rallied around him to offer support with maintaining his farm. The panel did not consider that, in the circumstances of [REDACTED] it was appropriate for children to be supporting him through his daily life.

The panel further heard from Mr Brunt that Pupil A did not attend the smallholding many more times than other individuals. However, the panel found that they were not persuaded by Mr Brunt’s evidence in light of the messages which demonstrated Mr Brunt wanting to spend time with Pupil A or missing Pupil A, as found proven at allegation 1(f).

The panel also considered the police statement from Pupil A’s mother. The panel noted this evidence was hearsay and therefore firstly considered its admissibility. The panel was mindful of the following cases *El Karout v NMC* [2019], *R (on the application of Bonhoeffer) v GMC* [2011], and *Thorneycroft v NMC* [2014]. Whilst the panel considered the statement to be relevant, it was not the sole and decisive evidence at the hearing.

The panel considered there to be means of testing its reliability, by cross-referencing certain factual statements made by Mr Brunt. The panel considered the email in evidence from Pupil A’s mother which provided a reason for her non-attendance at the hearing as a witness. The panel acknowledged that Pupil A’s mother did not consider it to be in her or her family’s’ best interests to attend the hearing, given the concerns she had regarding Pupil A’s [REDACTED]. For these reasons, the panel decided to admit the evidence.

In considering Pupil A’s mother’s statement, the panel noted that Pupil A had been

“coming home at 12 at night” indicating that Pupil A also met with Mr Brunt at inappropriate times in the day, later in the evening that you would expect for a child who needs to wake up for school in the morning. The panel, however, had regard to this being hearsay evidence and therefore attributed less weight to it than Mr Brunt’s evidence.

Whilst the panel considered it was reasonable to have students from the Academy at Mr Brunt’s smallholding in certain contexts, such as within a group or with their family, they recognised that Mr Brunt had pushed the boundaries of what was reasonable as it was more probable than not, that he repeatedly had Pupil A at his smallholding by herself.

Notwithstanding that permission may have been given by Pupil A’s mother, the panel considered that a teacher and student should on the most part not be engaged in repeated one on one activity. There would be exceptions to this of course, but the panel saw no reasonable exception in these circumstances.

Allegation 2(a) was therefore, found proven.

b. Giving Pupil A gifts on one or more occasions.

Mr Brunt admitted the allegation, save that he made no admission that the conduct amounted to a failure to maintain professional boundaries.

The panel noted messages sent by Mr Brunt to Pupil A were in evidence which referred to him providing her with gifts. In particular, the panel considered a message on 14 February 2020 where Mr Brunt stated “I have left u a little present”. Later the same day, Mr Brunt asks Pupil A “how is the cadbury’s baby”.

The panel heard from Mr Brunt that he had provided Pupil A with a gift of chocolate once. Mr Brunt disputed that providing a gift of chocolate was a failure to maintain a professional boundary and was an innocent gift to have given a child, and especially a family friend. Mr Brunt further stated that his wife had bought t-shirts and socks for Pupil A as his wife “bought a lot of things” for her birthday. Mr Brunt clarified that he might have delivered the gifts bought by his wife, but he did not buy them. The panel considered that giving gifts of this nature could be justified, especially given that both Mr Brunt’s family and Pupil A’s family [REDACTED] and they could be expected to give each other birthday gifts, by way of example.

The panel considered the messages against the evidence provided by Mr Brunt. Whilst Mr Brunt did not specify in his evidence what date he gifted the chocolate to Pupil A, the panel noted that his evidence was consistent with the log of messages on 14 February 2020 as the conversation referred to a present being given and the term Cadbury’s, being a brand of chocolate. The panel therefore inferred from the consistency in the evidence that Mr Brunt gifted the chocolate to Pupil A on 14 February 2020. The panel saw no other reference to providing a gift of chocolate in the

log of messages.

As the panel was satisfied on the balance of probabilities that the gift was provided on this date, the panel then considered the relevance of the date the gift was given. It was noted by the panel that the date was valentine's day, being a date which celebrates love and romance, typically between people in an intimate sexual relationship. As such, the panel considered that, given the context of the date on which the gift was given, this was conduct which failed to maintain appropriate professional boundaries. The relationship between a teacher and a student should not be comparable to that of a romantic relationship and therefore the professional boundary had been crossed in providing a gift on this date.

Allegation 2(b) was therefore, found proven.

c. Obtaining Pupil A's mobile number and communicating with Pupil A via WhatsApp and/or text and/or telephone.

Mr Brunt admitted the allegation, save that he made no admission that the conduct amounted to a failure to maintain professional boundaries.

The panel heard from Mr Brunt that he obtained Pupil A's mobile number from Pupil A's mother around the time Pupil A's mother [REDACTED]. This was on the basis that Mr Brunt would message Pupil A directly regarding attendance at his smallholding. When tested on this point by the presenting officer, Mr Brunt was less certain about his recollection that he obtained Pupil A's mobile number from her mother and suggested this may have instead been obtained via a WhatsApp group [REDACTED]

The panel considered the police statement of Pupil A's mother which was provided in evidence. The panel noted that certain matters in Pupil A's mother's statement supported Mr Brunt's account of events. For instance, Pupil A's mother stated she provided Mr Brunt with permission to message Pupil A in December 2019 during a [REDACTED] and outlined that Mr Brunt "phoned me asking if he could text [Pupil A] to arrange farm visits rather than me sorting it. I had said that makes sense for now". However, the panel noted other statements are less consistent with Mr Brunt's initial evidence, as Pupil A's mother stated "I don't know how he got her number, it wasn't from myself". The panel considered that the police statement of Pupil A's mother carried less weight than evidence which had been tested.

The panel considered messages sent by Mr Brunt to Pupil A on 25 March 2020, stating "are you alone". When Pupil A queried "why?", Mr Brunt responded "so u can ring and just say hello". The panel considered that, on the balance of probabilities, it was more likely than not that Mr Brunt was seeking to speak to Pupil A on the phone when she was alone and not within the company of her mother.

Whilst the panel was unable to determine from the evidence how Mr Brunt obtained Pupil A's mobile number, the panel was satisfied that Mr Brunt obtained her mobile

number following Pupil A's mother's [REDACTED], and communicated with her via text and/or WhatsApp and/or telephone after this time, as shown by the log of messages spanning 1,562 pages in evidence. The panel thought that this was a failure to maintain appropriate professional boundaries with Pupil A.

The panel considered that, whilst it may have been appropriate for Mr Brunt to obtain Pupil A's mobile number to send a couple of messages on the basis agreed with Pupil A's mother, being to attend his smallholding, the extent of the messages was excessive, far beyond the scope of messages which is deemed appropriate between an unrelated adult and child, notwithstanding the level of professionalism that should be shown between a teacher and a student. The panel considered it was a significant breach of professional boundaries to be in such regular contact with Pupil A, with limited and/or any permission from Pupil A's family.

The allegation was admitted by Mr Brunt and was supported by evidence presented to the panel. Allegation 2(c) was therefore, found proven.

d. Made physical contact with Pupil A such as hugging.

Mr Brunt denied the allegation.

The panel considered the messages between Mr Brunt and Pupil A which included several references to hugging, such as Mr Brunt's question to Pupil A "are you coming over for a hug tonight?".

The panel heard from Mr Brunt that he had never hugged Pupil A as she had "an aversion to anyone hugging her". Mr Brunt noted that he encouraged Pupil A to give her mother a hug but she would not do that. Mr Brunt further said that his reference to hugging in several messages to Pupil A was a "running joke" because Pupil A did not enjoy hugs.

The panel also heard from Mr Brunt that he recalled punching Pupil A in the leg whilst play fighting once. However, Mr Brunt could not recall when or how that incident occurred, or what Pupil A's reaction was.

The panel was mindful that the allegation was not restricted to hugging. Despite Mr Brunt denying the allegation at the outset of the hearing, Mr Brunt later admitted to making physical contact with Pupil A by punching Pupil A in the leg whilst playfighting. The panel considered that this conduct was not appropriate and Mr Brunt had breached his professional boundaries. The panel was satisfied that it was not acceptable for a teacher to punch a student, whether or not this was in a play fighting context.

For the reasons above, the panel did not consider that it had been proven, on the balance of probabilities, that Mr Brunt had hugged Pupil A. However, the panel was satisfied that Mr Brunt had made physical contact with Pupil A, by way of punching her

during a playfight. The panel was satisfied that a teacher punching a student was a failure to maintain appropriate professional boundaries.

Allegation 2(d) was therefore, found proven.

e. Discussing matters of a personal nature as alleged at allegations 1(j) above.

Mr Brunt admitted the allegation.

The panel noted several messages sent by Mr Brunt to Pupil A were in evidence which discussed matters of a personal nature. On 20 February 2020, Mr Brunt states “I have a meeting tomorrow about work” followed by “it involves solicitors”. On 5 March Mr Brunt asks Pupil A “are u anxious”, and on 8 March 2020 refers to himself as being “a bit anxious”.

The panel thought this was a failure to maintain appropriate professional boundaries with Pupil A, given that it is not appropriate to reveal confidential information regarding the Academy to anyone, let alone to someone who is a pupil of the Academy. Additionally, in circumstances where a teacher should be teaching the scope of their curriculum and a student should be learning, by engaging in conversations regarding health it is evident that this is not in Mr Brunt’s professional remit to discuss such matters and thereby exceeding the boundaries of Mr Brunt’s professional capacity.

Allegation 2(e) was therefore, found proven.

3. Mr Brunt’s conduct as may be found proven at allegation 1 and/or allegation 2 was conduct of a sexual nature and/or was sexually motivated.

Mr Brunt denied the allegation.

The panel was mindful of section 78 of the Sexual Offences Act 2003 and the cases of *Sait v The General Medical Council* [2018], *Basson v General Medical Council* [2018] and *The General Medical Council v Haris* [2020].

In particular, the panel noted guidance from *Basson v General Medical Council* [2018] that “a sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship”.

The panel also considered the case of *The General Medical Council v Haris* [2020], in which it was held that, “in the absence of a plausible innocent explanation for what he did, the facts spoke for themselves.”

The panel considered whether the conduct found proven at allegation 1 and/or 2 was of a sexual nature and/or was sexually motivated.

The panel heard from Mr Brunt that the messages were not sent to Pupil A with an intention to develop a sexual relationship, but were misguided attempts to offer support

and reassurance to Pupil A [REDACTED] The panel noted that as a DSL, Mr Brunt would be aware of where Pupil A could be directed to for appropriate support and therefore the panel was not satisfied that this motivation was reasonably justified.

The panel further heard from Mr Brunt that he asked his wife to notify the Academy of a safeguarding concern regarding Pupil A, which had come to light from Pupil A discussing her personal issues with him. The panel noted the safeguarding records of Pupil A, which were also provided in evidence, were consistent with Mr Brunt's evidence that his wife had raised a concern with the Academy regarding Pupil A.

The panel referred to allegation 1(h) and the relevant messages sent by Mr Brunt to Pupil A which they considered found proven to be of a sexual nature/innuendo. The panel found that these messages were by their nature sexual and had clear sexual connotations.

The panel also considered the [REDACTED] prepared by Witness A dated 23 April 2024 in respect of Mr Brunt. The panel noted that Witness A had appropriate qualifications to prepare the [REDACTED] and therefore the panel acknowledged the opinion outlined in the report was provided by a professional. However, the panel also considered that Witness A stated that she had no experience in preparing reports in relation to student and teachers.

The panel considered the outcome of Witness A's [REDACTED], being that the motivation behind the allegations found proven at allegation 1 and 2 were in her opinion multifaceted. The multifaceted reasons included that Mr Brunt was:

- motivated by the avoidance of his dreaded, traumatic, and stressful situations and associated anxiety or distress;
- identifying with Pupil A's stressful home circumstances and her sadness;
- lonely and isolated and misguided and inappropriately placed Pupil A in the role of confidant and companion to gain personal support; and
- experiencing significant demotivation and withdrawal and valued Pupil A's help to motivate him to assist with tasks on the farm.

In Witness A's opinion, on balance, there was no evidence of sexual motivation in Mr Brunt's communications and relationship with Pupil A. The panel further heard from Witness A in oral evidence that in her experience, sexual motivation would be shown by a "pattern" and "escalation" of sexual messages which were not present in the messages between Mr Brunt and Pupil A.

The panel, having considered the log of messages spanning 1,563 pages, did not agree with Witness A's position regarding escalation. The panel considered messages of a sexual nature escalated from January 2020 to March 2020. Notwithstanding this, the panel had regard to Witness A's specialist knowledge on the topic of sexual motivation and that she had greater experience in identifying what might be an

escalation in the circumstances. The panel agreed with Witness A that there was not a pattern in respect of the messages of a sexual nature, as they were sporadic.

The panel noted the escalation, however, the panel also considered that they had seen no evidence to show either Mr Brunt messaged Pupil A in pursuit of sexual gratification or in pursuit of a sexual relationship.

Whilst the panel found that the [REDACTED] offered a plausible explanation for the motivation of Mr Brunt in his conduct as found proven at allegation 1 and 2, which was not sexually motivated, the panel was satisfied that the conduct found proven at allegation 1(h) was by its nature sexual, and had clear sexual connotations. In oral evidence, Mr Brunt did not deny that these messages were of a sexual nature, but justified sending the message as a joke.

As such, the panel considered there to be a clear distinction between Mr Brunt's conduct being of a sexual nature and Mr Brunt's conduct being sexually motivated. The panel did consider the messages at allegation 1(h) to be by their nature sexual, but saw no evidence to justify that Mr Brunt intended to pursue a sexual relationship with Pupil A.

Therefore, the panel did not consider that it had been proven, on the balance of probabilities, that Mr Brunt had been sexually motivated in his conduct as found proven at allegation 1 and 2. However, the panel was satisfied that the conduct found proven at allegation 1(h) was of a sexual nature. The panel therefore found allegation 3 proven.

4. Mr Brunt's conduct as may be found proven at allegation 1(j) and/or 2(e) lacks integrity.

Mr Brunt admitted the allegation.

The panel considered whether Mr Brunt had failed to act with integrity by his conduct in allegations 1(j) and/or 2(e). The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority* [2018].

The panel was mindful of the legal advice it received, that the term 'integrity' connotes adherence to the ethical standards of one's own profession that involves more than mere honesty. That does not mean professional tribunals must set unrealistically high standards and does not require professional people to be paragons of virtue. However, it is linked to the manner in which the profession professes to serve the public. The panel considered whether other teachers would consider Mr Brunt's conduct to lack the integrity that they would expect from other members of the profession.

The panel noted that Mr Brunt said he was "trying to help" and be "supportive" to Pupil A as she was experiencing [REDACTED]. The panel also heard that Mr Brunt had asked his wife to report what Pupil A had told him to safeguarding. The panel

considered that this was consistent with the safeguarding records that had been provided for Pupil A, and therefore Mr Brunt showed some insight into safeguarding standards when he became aware of relevant information. However, the panel also noted that Mr Brunt did not himself report the safeguarding issue, suggesting he was aware to some extent that the discussion he had with Pupil A might fall short of professional standards.

The panel was satisfied that, as a DSL, Mr Brunt had the necessary qualifications to understand that the excessive personal discussions with Pupil A was a breach of his professional boundaries and ethical standards.

The panel further considered that Mr Brunt's conduct as found proven at 2(e), did not meet the relevant professional standards as he disclosed matters relating to his profession, such as meetings with solicitors, to a pupil at the school.

The panel noted that Mr Brunt's conduct amounted to a clear failure to act within the standards expected of a teacher. The panel was therefore satisfied that Mr Brunt's conduct as outlined at allegations 1(j) and 2(e) as found proven, lacked integrity.

The panel therefore found allegation 4 proven.

5. Mr Brunt's conduct as may be found proven at allegation 1(k) was dishonest and/or lacked integrity.

Mr Brunt admitted the conduct proven at allegation 1(k) lacked integrity, but denied the conduct was dishonest.

The panel considered whether Mr Brunt had failed to act with integrity and/or was dishonest by his conduct in allegations 1(k). The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority* [2018] in respect of integrity and the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford* [2017] in respect of dishonesty. As above, the panel was mindful of the legal advice it received and that the concepts of dishonesty and integrity are separate and distinct. Integrity is a more nebulous concept than honesty for which it is not possible to formulate an all-purpose comprehensive definition.

In reaching a decision in respect of integrity, the panel considered whether other teachers would consider Mr Brunt's conduct to lack the integrity that they would expect from other members of the profession.

The panel considered the Academy's child protection and safeguarding policy contained in evidence, and noted that Mr Brunt was expected to consider at all times what is in the best interests of the child. The panel was satisfied that other teachers in the profession would consider Mr Brunt's position to be a lapse of judgement as concealing messages from a child's mother was not in the child's best interests. The panel was therefore satisfied that members of the teaching profession would consider

Mr Brunt's conduct to lack integrity.

In reaching a decision in respect of dishonesty, the panel needed to first ascertain, subjectively, the actual state of Mr Brunt's knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Brunt's state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Mr Brunt's knowledge or belief as to the facts. The panel noted that Mr Brunt was aware that he was seeking to conceal matters when he suggested that Pupil A delete messages.

The panel considered Mr Brunt's evidence, that at the time of the messages to Pupil A he [REDACTED] However, the panel also noted the evidence of Witness A, which stated there was [REDACTED] in respect of Mr Brunt.

The panel further heard from Mr Brunt that whilst Pupil A's mother was aware that he messaged Pupil A, Mr Brunt had not disclosed the full extent of the messages sent between them. When asked about disclosing the messages to Pupil A's mother, Mr Brunt stated he would not, as a matter of course, seek to disclose any messages he sent to one person with another. This was consistent with the position put forward in Pupil A's mother's police statement, which stated "I hadn't realised the extent of those texts" with reference to the messages between Mr Brunt and Pupil A.

The panel heard from Mr Brunt that if he was to be dishonest regarding the messages sent to Pupil A, he would have deleted his own messages. However, Mr Brunt stated that he did not delete his messages to Pupil A as he "thought there might be stuff there that would be needed" by the Academy.

The panel considered the exchange of messages from Mr Brunt to Pupil A on 12 March 2020 which stated "probably getting arrested". When Pupil A queried why he would be arrested, Mr Brunt responded "for telling a [REDACTED] year old girl the things I say". Mr Brunt further goes on to state that same day "promise me you delete the stuff we share". The panel considered the messages demonstrated that Mr Brunt knew at the time that his conduct was dishonest, as he was attempting to conceal messages with Pupil A on the understanding that he would be arrested if they were found. The panel noted that Mr Brunt understood what he was doing to be wrong, given he had referred to the negative consequences.

In weighing up the evidence as to Mr Brunt's knowledge of the facts, the panel considered that the messages in evidence demonstrated Mr Brunt understood his conduct to be dishonest. The panel then considered the objective standards of the ordinary honest person, and was further satisfied that an ordinary honest person would not ask a child to conceal their messages.

For the reasons set out above, the panel found allegation 5 proven.

6. Mr Brunt's conduct as may be found proven at allegations 1 and/or 2 was a breach of position of trust.

Mr Brunt admitted the allegation.

The panel considered the messages between Mr Brunt and Pupil A and the extent of their relationship. The panel further considered the statement of Pupil A's mother and the contention that she was not aware of the extent of that relationship. Whilst the panel attributes less weight to hearsay evidence than evidence which has been cross-examined, the panel noted that Mr Brunt did not dispute that Pupil A's mother was unaware of the extent of the relationship.

The panel considered that Pupil A's mother had placed trust in Mr Brunt, as she allowed him to contact Pupil A to make necessary arrangements in her absence. However, this trust was breached when the level of contact between Mr Brunt and Pupil A went beyond what would reasonably have been expected.

The panel considered that as the vice president of the Academy and DSL, Mr Brunt held a position of trust, and his conduct breached this trust as he had no respect for the boundaries in place between himself, Pupil A and her family. Mr Brunt further made derogatory references to Pupil A's mother.

The panel found allegation 6 proven.

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".

The panel was satisfied that the conduct of Mr Brunt, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Brunt 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; and
 - 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, and maintain high standards in their own attendance and punctuality.
- 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 Brunt, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mr Brunt was in breach of the following provisions:

- School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, promote children’s welfare and prevent concerns from escalating.
- All staff should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a child’s life, from the foundation years through to the teenage years.
- Any staff member who has a concern about a child’s welfare should follow the referral processes set out in paragraphs 42-58. Staff should expect to support social workers and other agencies following any referral.

The panel was satisfied that the conduct of Mr Brunt, in relation to the facts found proved, involved breaches of Working Together to Safeguard Children. The panel considered that Mr Brunt was in breach of the following provisions:

- Everyone who works with children has a responsibility for keeping them safe. No single practitioner can have a full picture of a child’s needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.
- In order that organisations, agencies and practitioners collaborate effectively, it is vital that everyone working with children and families, including those who work with parents/carers, understands the role they should play and the role of other practitioners. They should be aware of, and comply with, the published arrangements set out by the local safeguarding partners.

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

The panel also considered whether Mr Brunt’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 sexual communication with a child 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 allegations 1(a) - (l) and 2(a) - (e) took place outside the education setting. The panel considered the conduct may have led to Pupil A being exposed to, or influenced by the behaviour in a harmful way. The panel was satisfied that Mr Brunt had a part to play in the [REDACTED], and in some instances facilitated the [REDACTED] through the suggestion of concealing messages. The panel further considered that Mr Brunt's conduct affected Pupil A's learning, such as by distracting her during the school day. The panel also considered the possible distress that the circumstances resulting from Mr Brunt's conduct may have caused to Pupil A, and consideration was given to the letter sent by Pupil A to Mr Brunt which displayed some of the emotions she experienced as a result of the police investigation. Finally, the panel gave weight to the statement from Pupil A's mother, that Pupil A had "suffered enough". In light of this evidence, the panel considered that Mr Brunt's conduct may have led to Pupil A being exposed to his behaviour in a harmful way.

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

The panel went on to consider whether Mr Brunt was guilty of conduct that may bring the profession into disrepute.

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.

In considering the issue of disrepute, the panel also considered whether Mr Brunt'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 sexual communication with a child 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 panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel noted that Mr Brunt's conduct was a significant departure from the Academy's policy and, in any event, was a blatant failure to follow safeguarding protocols. It is the panel's view that such conduct could potentially damage the public's

perception of a teacher.

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 Brunt's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of allegations 1(a) - (l), 2(a) - (e), 3, 4, 5 and 6 proved, the panel further found that Mr Brunt'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 Brunt 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 maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate behaviour and failing to maintain appropriate boundaries with Pupil A.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Brunt 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 Brunt was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Brunt had ability as an educator, the panel considered that the adverse public interest considerations outweigh any interest in retaining Mr Brunt in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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 noted that Mr Brunt's behaviour exploited his position of trust which should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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;
- abuse of position or trust (particularly involving vulnerable pupils);
- sexual misconduct, for example, 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; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of the behaviours 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 the mitigation offered by Mr Brunt. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Based on the evidence available, the panel finds that Mr Brunt's actions were deliberate and there was no evidence to suggest that Mr Brunt was acting under extreme duress.

As far as the panel is aware from Mr Brunt, he had contributed to the education sector and had previously good history. The panel considered the police statement of Pupil

A's mother which stated that Mr Brunt was previously a "brilliant help". However, no further character references were provided to assist the panel to confirm this position.

The panel noted that Mr Brunt demonstrated a degree of insight into the wrongfulness of his actions as he admitted allegations 1(a) - (l), 2(a) – (c), 2(e), 4, 6 and part of 5.

There was no evidence of Mr Brunt having demonstrated exceptionally high standards in both personal and professional conduct or of having contributed significantly to the education sector.

The panel considered that, prior to the conduct found proven, Mr Brunt had previously had a [REDACTED]. The panel further considered the [REDACTED] prepared by Witness A, which stated a number of points regarding Mr Brunt's [REDACTED] which in Witness A's opinion, had a detrimental impact on him. Whilst the panel had regard to these factors, the panel does not consider that circumstances relating to mental health justify the conduct found proven.

The panel acknowledged that Mr Brunt regretted his actions as he stated "I am deeply ashamed" in his written evidence. However, the panel found that Mr Brunt had shown limited insight and remorse in respect of the impact of his conduct on Pupil A or her family.

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 Brunt 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 Brunt. The seriousness of the conduct in light of Mr Brunt's position as a DSL, as well as the impact on Pupil A and her family, 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 panel considered the list of behaviours at paragraph 50 of the Advice. 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. These cases include any sexual misconduct involving a child which was relevant in this case, as the panel found that Mr Brunt had engaged in an inappropriate relationship with Pupil A which included messages of a sexual nature.

The panel also considered the list of behaviours at paragraph 51 of the Advice. The Advice states that where a case involves such behaviour it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these behaviours includes 'serious dishonesty', which was relevant in this case, given the panel's findings in respect of dishonesty. The panel found that Mr Brunt was responsible for attempting to conceal his communications with Pupil A by asking her to delete messages and/or keep secrets.

Given that Mr Brunt's actions were not sexually motivated and he has expressed that he is ashamed of his actions, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5 year 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/or conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Mr Brunt 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; and
 - 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, and maintain high standards in their own attendance and punctuality.
- 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 Brunt involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education' and involved breaches of 'Working Together to Safeguard Children'.

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

The findings of misconduct are particularly serious as they include both a failure to maintain professional boundaries with a vulnerable child and behaviour which lacked honesty and integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Brunt, 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 safeguard pupils. The panel observes that:

"There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate behaviour and failing to maintain appropriate boundaries with Pupil A."

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 it sets out as follows:

"The panel acknowledged that Mr Brunt regretted his actions as he stated "I am deeply

ashamed” in his written evidence. However, the panel found that Mr Brunt had shown limited insight and remorse in respect of the impact of his conduct on Pupil A or her family.”

In my judgement, the lack of evidence of full insight and remorse on Mr Brunt’s part 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 record that “...Mr Brunt’s conduct was a significant departure from the Academy’s policy and, in any event, was a blatant failure to follow safeguarding protocols. It is the panel’s view that such conduct could potentially damage the public’s perception of a teacher.” I am particularly mindful of the finding in this case of a teacher engaging in communications of a sexual nature with a pupil and the serious negative impact that such a finding could 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 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 Brunt himself. The panel comments that:

“As far as the panel is aware from Mr Brunt, he had contributed to the education sector and had previously good history. The panel considered the police statement of Pupil A’s mother which stated that Mr Brunt was previously a “brilliant help”. However, no further character references were provided to assist the panel to confirm this position.”

The panel go on to state that it had seen no evidence of Mr Brunt having demonstrated exceptionally high standards in both personal and professional conduct or of having contributed significantly to the education sector.

A prohibition order would prevent Mr Brunt 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 both the serious nature of the misconduct found, which included an inappropriate relationship with a vulnerable pupil featuring communications of a sexual nature, and the panel's comments concerning the lack of full insight and remorse exhibited by Mr Brunt.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Brunt 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 a five-year review period.

I have considered the panel's concluding comments:

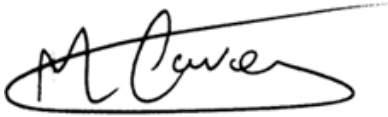
"Given that Mr Brunt's actions were not sexually motivated and he has expressed that he is ashamed of his actions, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5 year review period."

I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, given the very serious nature of the misconduct found and the lack of evidence of full insight and remorse, I agree with the panel that a five-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Nigel Brunt is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 2029, five years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Brunt remains prohibited from teaching indefinitely.

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

Mr Brunt 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 large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 26 July 2024

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