



Teaching
Regulation
Agency

Mr Guy Hewett: 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: Guy Hewett

TRA reference: 19983

Date of determination: 19 July 2024

Former employer: St Augustine Academy, Maidstone Kent

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 18 July 2024 to 19 July 2024 by way of a virtual hearing, to consider the case of Mr Guy Hewett.

The panel members were Mr Martin Coles (former teacher panellist – in the chair), Mrs Kate Hurley (teacher panellist) and Mrs Rachel Curry (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Mr John Morrison of QEB Hollis Whiteman.

Mr Hewett was present and was represented by Mr Nicholas Kennan of Cornwall Street Barristers.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 22 April 2024.

It was alleged that Mr Hewett was guilty of unacceptable professional conduct and or conduct that may bring the profession into disrepute, in that:

1. Between around September 2019 and February 2020, he did not adhere to professional boundaries and/or developed an inappropriate relationship with Student A, in that he:
 - a) Gave her money on more than one occasion; and/or
 - b) In January 2020, bought her items of clothing and/or footwear to a value exceeding £300; and/or
 - c) Bought Student A a mobile telephone; and/or
 - d) Communicated with Student A via his personal mobile telephone; and/or
 - e) Sent Student A a message in which he told her that he loved her or words to that effect; and/or
 - f) Told Student A that he wanted to adopt her; and/or
 - g) On 19 February 2020, took Student A and Student B on a trip and for a meal.
2. His conduct towards Student A between November 2019 and February 2020 occurred despite him receiving a Written Warning that he must not contact Student A, give any student money and/or communicate with them via personal mobile telephone.
3. The trip with Student A and Student B on 19 February 2020 occurred while he was suspended and under investigation for the conduct set out at Allegation 1(a) to (f) above.

The panel noted that Mr Hewett admitted all allegations, as set out in the statement of agreed facts signed by Mr Hewett on 17 April 2023 and subsequently signed by the Presenting officer on 2 May 2023.

Preliminary applications

Application to admit additional documents

The panel considered a preliminary application from the teacher's representative for the admission of additional documents.

The teacher's documents were:

- Supporting documents; and
- Statement and Reflection document of Mr Hewett.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 ('the 2020 Procedures'). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application and noted that there was no objection to the admission of these documents.

The panel considered the legal advice and, in particular, paragraph 5.33 of the 2020 Procedures which was that it may admit evidence, if it is fair to do so, and which may reasonably be considered to be relevant to the case.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Application for part of the hearing to be heard in private

The panel considered an application from the teacher's representative that part of the hearing [REDACTED] should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of [REDACTED] private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case.

The panel therefore granted the application.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 5 to 8
- Section 2: Notice of proceedings and response to notice of hearing– pages 9 to 29
- Section 3: TRA documents – pages 30 to 550

In addition, the panel agreed to accept the following:

- Supporting documents – pages 551 to 563; and
- Statement and Reflection document of Mr Hewett – pages 564 to 578

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

Witnesses

The TRA did not call any witnesses to give oral evidence at the hearing.

Mr Hewett was present and gave oral evidence at the hearing.

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 Hewett was employed at St Augustine Academy ('the School') as a teacher of history on 19 March 2018.

In October 2019, a concern around Mr Hewett's conduct towards Student A who was in [REDACTED] was raised with Kent County Council Local Authority Designated Officer ('LADO') after an allegation was made that Mr Hewett gave Student A £120.

Mr Hewett received a written warning on 8 November 2019.

On 28 January 2020, further concern was raised about Mr Hewett's ongoing conduct towards Student A.

On 31 January 2020, Mr Hewett was suspended.

On 7 February 2020 an investigatory meeting was held with Mr Hewett and a report was published on 14 February 2020.

On 19 February 2020, Mr Hewett took Student A and Student B on a trip to [REDACTED] and for a meal. Student B did not arrive home until the early hours of the following day and the police were called. Mr Hewett was arrested.

On 20 March 2020, a disciplinary hearing was held, which was adjourned to obtain more information about Mr Hewett's health. The disciplinary hearing was reconvened on 14 July 2020 where the decision was made to dismiss Mr Hewett.

On 21 July 2020, the police confirmed that it would take no further action in respect of the criminal allegations. On the same day, the school made a referral to the TRA.

In December 2020, an appeal hearing was held which was adjourned for further information to be obtained including unsuccessful attempts for Mr Hewett to be assessed by a psychiatrist.

On 7 June 2021, the appeal decision was communicated to Mr Hewett.

Findings of fact

The panel noted that Mr Hewett admitted allegations 1(a) to (g), 2 and 3 in the statement of agreed facts and his admission of all allegations was confirmed during the hearing by his legal representative. Notwithstanding this, the panel made a determination based on the evidence available to it.

1. Between around September 2019 and February 2020, he did not adhere to professional boundaries and/or developed an inappropriate relationship with Student A, in that he:

a) Gave her money on more than one occasion; and/or

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the investigation report which stated that there had been a pre-existing allegation made that Mr Hewett gave money on three occasions to Student A, in the sum of £120.

The panel considered Individual C's responses to questions posed to her during the investigation, where she stated that she was concerned that Student A had more money than she was supposed to have available to her from legitimate sources. Individual C stated that [REDACTED], she was only provided with sufficient funds for a bus fare to

[REDACTED], and she had new clothes which could not be bought with these funds and [REDACTED].

The panel considered the child protection investigation summary regarding Student A, contained within the crime report dated 19 October 2019. The logs within the summary mentioned Student B going out to collect some money for Student A that had been hidden in the car park of the School by Mr Hewett. The bag contained £80. There was also reference to another incident in which Student A initially had no money with her in School but then a few moments later she came back with £50.

The report stated that Student B had informed the police that this is not the first time that Student A had collected sums of money, and that over the past four weeks Student A had come into possession of £400. The report stated that Student A had told Student B that Mr Hewett was giving her money as he feels sorry for her as he felt that she was not being cared for.

The report further stated that Student B had told the police that Student A sometimes gets money every day and sometimes a few times a week, and that the amount varies.

The panel noted that in Mr Hewett's oral evidence he had admitted to giving Student A money on more than one occasion and that he had immense regret about doing this because he knows it was the wrong thing to do.

The panel found allegation 1(a) proven.

b) In January 2020, bought her items of clothing and/or footwear to a value exceeding £300; and/or

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the investigation report which set out that Mr Hewett had admitted to purchasing clothing to the approximate value of £300 for Student A. Mr Hewett had admitted buying Doc Marten boots for Student A because he felt sorry for her. The report further stated that Mr Hewett had bought three pairs of footwear for Student A.

The panel considered the email from the [REDACTED] of Student A's [REDACTED] which explained that Student A had returned home with approximately £300 worth of clothing and stated that her ex-boyfriend had given her them. He stated that the clothing still had tags on and there were receipts dated 21 January 2020.

The panel considered the letter from the Principal at the School to Mr Hewett dated 29 January 2020, in which he stated that Mr Hewett admitted to buying new clothes for Student A.

The panel considered the minutes from the investigation meeting where Mr Hewett admitted that he may have spent more than £300 as he bought Doc Martens, trainers and boots for Student A and said that he may have spent more at [REDACTED].

The panel considered Individual C's written answers to questions during the investigation, in which [REDACTED] stated that when she collected Student A on 25 January 2020, she was wearing expensive branded clothing which included blue Levi jeans, a pink top (which Student A said cost £40), pink Fila trainers, a Superdry coat and a bag. Individual C explained that Student A does not have an independent source of money and confirmed that [REDACTED] did not buy them for her, and [REDACTED]. Individual C stated that when she asked Student A where the clothes had come from, she said that Mr Hewett had bought them for her and had taken her shopping.

The panel noted that in Mr Hewett's oral evidence he had admitted to buying Student A items of clothing and/or footwear, in particular, [REDACTED]. Mr Hewett also recalled giving Student A a baseball cap which he had purchased on an earlier School trip to America. Mr Hewett stated that he did this because he felt as if he wanted to save Student A and to give her things that she wouldn't otherwise get, [REDACTED]. Mr Hewett accepted that this was unprofessional and wrong.

The panel found allegation 1(b) proven.

c) Bought Student A a mobile telephone; and/or

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the email from the police investigators, where it is stated that Mr Hewett admitted that he purchased the phone for Student A to use.

The panel noted that Mr Hewett had admitted to the police during the investigation that he had provided Student A with a personal mobile phone and had been using this to contact her. The panel also noted that the police had seized the phone.

The panel found allegation 1(c) proven.

d) Communicated with Student A via his personal mobile telephone; and/or

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the crime report dated 19 October 2019, and noted the entry at 11:43, which stated that Student B told the police that Student A has Mr Hewett's phone number and that they text each other. The report stated that Student B reported seeing text messages between them on Student A's phone, and stated that the content of the

messages is usually just Mr Hewett asking Student A how she is and how she is getting on.

The panel noted that in the TRA referral form, Mr Hewett had admitted to using Student A's personal number to telephone her, albeit in a professional way but without permission to do so. Mr Hewett also admitted to having text Student A informing her of the location of money that he had hidden for her on 19 October 2019.

The panel noted that in the School's investigation meeting report Mr Hewett had admitted to using Student A's number to make contact with her regarding a trip to [REDACTED]. The panel noted that there was information in the LADO referral that Mr Hewett had stated that Individual C gave him Student A's number.

The panel noted that Student B had stated in the police report that he had seen messages from Mr Hewett on Student A's phone but that the content was not concerning.

In Mr Hewett's oral evidence, he confirmed that he was very concerned about Student A's wellbeing because [REDACTED] and therefore he did communicate with her but only to check in on her. Mr Hewett recalled that he received a message from Student A [REDACTED] and acknowledged that he should not have messaged her, but he was concerned [REDACTED].

The panel found allegation 1(d) proven.

e) Sent Student A a message in which he told her that he loved her or words to that effect; and/or

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence. However, Mr Hewett was clear in his recollection of this having been said in a fatherly way.

The panel considered the email from the police investigators, where it was stated that Mr Hewett had said that he had sent Student A messages saying that he loved her but was adamant that he meant as a father figure, not that he was emotionally in love with her.

The panel considered the disciplinary hearing notes dated 20 March 2020, where it was stated that Mr Hewett had said that his statement about feeling love for Student A was about having her as a daughter.

The panel noted that he had admitted to the police during the police investigation and the School's investigation that he had admitted to telling Student A that he loved her.

In Mr Hewett's oral evidence he stated that he regretted using the word malicious but that he was concerned about the wrong impression being taken with the allegation as it was put forward. Whilst Mr Hewett admitted that he had sent a message to Student A stating

that he loved her or words to that effect, he had done this from a place of concern and not with any intent either sexual or otherwise. Mr Hewett recalled having been clear that he said to her that this was love as a father and that this had therefore been taken out of context. Mr Hewett acknowledged that this was wrong and unprofessional and that he should not have done this.

The panel found allegation 1(e) proven.

f) Told Student A that he wanted to adopt her; and/or

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the investigation report in which it was found that Individual C had raised concerns that Student A had been reporting conversations between herself and Mr Hewett whereby Individual C feels that Mr Hewett is making promises to adopt Student A. Mr Hewett has admitted that he may have said to Student A that he would like to adopt her.

The panel considered the notes of the investigation meeting where Mr Hewett stated that he does not recall saying that he would like to adopt Student A but may have because he would have liked to take her in and [REDACTED] and give her a better life. The panel also noted that as part of the School's disciplinary process, Mr Hewett had said that he had concern for Student A's future and ultimately wished to be a father to her and to adopt her and give her a future.

The panel considered Mr Hewett's reference in the School's disciplinary investigatory meeting to having [REDACTED] regarding the possibility of adopting Student A although he did not send the letter and the panel did not see the same.

The panel considered Individual C's statement that Mr Hewett had said that he wanted to adopt Student A and that she could live with him, his wife and daughter.

The panel found allegation 1(f) proven.

g) On 19 February 2020, took Student A and Student B on a trip and for a meal.

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the record of strategy discussion report by Kent County Council, which set out that [REDACTED], and that Mr Hewett had taken Student A and Student B out. The report stated that they had possibly gone to [REDACTED], and that Student B did not return home until 1:10am. However, the panel accepted that Mr Hewett had dropped them off much earlier and was in police custody by this time and did not know where they had gone after he dropped them off.

The report set out that Student B stated that they had spent the day with Mr Hewett but gave no details about what they did.

The panel considered the referral form from the School, which set out that Mr Hewett took Student A and Student B to [REDACTED] on 19 February 2020 and that he took them out for a meal afterwards.

The panel considered an email from the police investigating officer dated 20 February 2020, which set out that Student B had explained that Mr Hewett took him and Student A to [REDACTED] and then went out for a curry. The email stated that Student B had said Mr Hewett paid for the meal.

The panel considered the email from Kent Police explaining the investigation and Mr Hewett's bail conditions.

In Mr Hewett's oral evidence Mr Hewett stated that he had received a message from Student A asking for [REDACTED] and Mr Hewett took Student A and Student B out because Student A had said before that she had never been to [REDACTED] or had any fun days out. Mr Hewett acknowledged that he should not have done it, but he took them both out and then dropped them home after a meal.

The panel found allegation 1(g) proven.

2. His conduct towards Student A between November 2019 and February 2020 occurred despite him receiving a Written Warning that he must not contact Student A, give any student money and/or communicate with them via personal mobile telephone.

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the investigation report where it was found that Mr Hewett was given a written warning on 8 November 2019.

The panel considered the letter from the School principal on 8 November 2019 where Mr Hewett was given a written warning and told not to contact students by personal email, mobile phone or social media accounts or give money to Student A, and abide by the code of conduct.

The panel noted that in Mr Hewett's occupational health report dated 19 February 2020 reference was made to Mr Hewett's final written warning relating to safeguarding issues in November 2019.

The panel therefore considered that the allegations found proven in allegation 1 occurred after Mr Hewett had received the written warning.

The panel found allegation 2 proven.

3. The trip with Student A and Student B on 19 February 2020 occurred while he was suspended and under investigation for the conduct set out at Allegation 1(a) to (f) above.

The panel noted that Mr Hewett admitted this allegation both in the School's investigation, the police investigation, his statement of reflection and in his oral evidence.

The panel considered the letter dated 31 January 2020 from the School principal confirming that Mr Hewett was suspended with effect from 29 January 2020.

The panel considered the referral form from the School, which set out that Mr Hewett took Student A and Student B to [REDACTED] on 19 February 2020 and that he took them out for a meal afterwards. The panel also considered the email from the police investigating officer detailing the events that was sent the following day, on the 20 February 2020.

The panel found allegation 3 proven.

The panel concluded that allegations 1(a) to 1(g), 2 and 3 were all proven.

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

Having found allegations 1(a) to 1(g), 2 and 3 all proved, the panel went on to consider whether the facts of the 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 Hewett, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Hewett 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
 - showing tolerance of and respect for the rights of others

- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- 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 Hewett amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Hewett's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences were relevant.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), 2 and 3 based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

The panel noted that although allegations 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), 2 and 3 took place outside the education setting, they were relevant to Mr Hewett's position as a teacher in that he was meeting, messaging, giving money to and purchasing gifts for a Student at the School in which he taught.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception since Mr Hewett's actions could have been misinterpreted. He was in fact arrested and the initial investigation centred around potential grooming.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), 2 and 3 proved, the panel further found that Mr Hewett'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 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.

The panel was aware that 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 and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Hewett, which involved inappropriate contact with Student A via personal telephone, buying Student A clothing, giving Student A money and taking Student A and Student B on a trip whilst suspended, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

The panel carefully considered the public interest consideration in declaring proper standards of conduct in the profession and the fact that the allegations found proved against Mr Hewett were serious in nature. Although the panel considered that this conduct was outside that which could reasonably be tolerated, the panel did note that the allegations all took place at a time when [REDACTED].

The panel decided that there was a strong 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 reaching this decision the panel considered Mr Hewett's previous unblemished and lengthy career in teaching up to 2016. The panel also considered the comments that had been made about him by his colleagues in that he was a "*very good teacher who inspired many people*" and who had "*made a significant positive impact in a short period of time*" at the School.

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 Hewett. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Hewett. 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils); and
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified; failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel considered that Mr Hewett's actions were deliberate although the panel did note that Mr Hewett did not deliberately intend to cause harm to pupils.

There was no evidence to suggest that Mr Hewett was acting under extreme duress although the panel did consider the medical evidence in the bundle and supplementary bundle of documents which confirmed that Mr Hewett was [REDACTED]. In reaching this decision the panel considered the case of *Bar Standards Board v Howd [2017]* in which the behaviours were found to have taken place beyond the barrister's control as a result of his medical condition. The panel drew parallels between this case and the case of Mr

Hewett and found that there was likely to be a clear causal link between Mr Hewett's health, [REDACTED], and the behaviours demonstrated. Whilst there was no evidence of extreme duress, the panel did consider that this Mr Hewett's actions were a likely consequence of [REDACTED].

There was some evidence within the bundle that Mr Hewett had demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to the education sector, in particular the fact that he had a previously unblemished record and had been successfully promoted to senior leadership positions during his career.

The panel concluded that Mr Hewett had demonstrated a good level of insight and remorse into his actions. The panel considered Mr Hewett's comments throughout his oral evidence and at the time of the various investigations into his actions in terms of his immense regret and remorse and the fact that he had been honest and candid in taking full ownership and responsibility for his actions.

The panel also noted that Mr Hewett had taken a period of four years away from teaching or working with children and had spent a significant period of time reflecting on his actions and working on his [REDACTED]. The panel noted that Mr Hewett had had [REDACTED] which had helped him to understand his actions and provide him with coping techniques should any similar situations arise in the future. Overall, the panel considered that, as a result of the [REDACTED] and the level of insight and remorse shown by Mr Hewett, the risk of repetition was relatively low. However, the panel would encourage Mr Hewett to continue to seek appropriate help and support in order for him to develop his understanding of how such behaviours have an impact on pupils in order to further mitigate any risk of repetition in the future.

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 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 the findings of unacceptable professional conduct and/or 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 Guy Hewett 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
 - showing tolerance of and respect for the rights of others
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- 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 Hewett involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education.

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

The findings of misconduct are serious as they include a failure to adhere to professional boundaries.

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 Hewett, 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 has observed:

“In the light of the panel’s findings against Mr Hewett, which involved inappropriate contact with Student A via personal telephone, buying Student A clothing, giving Student A money and taking Student A and Student B on a trip whilst suspended, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows:

“The panel concluded that Mr Hewett had demonstrated a good level of insight and remorse into his actions. The panel considered Mr Hewett’s comments throughout his oral evidence and at the time of the various investigations into his actions in terms of his immense regret and remorse and the fact that he had been honest and candid in taking full ownership and responsibility for his actions.

The panel also noted that Mr Hewett had taken a period of four years away from teaching or working with children and had spent a significant period of time reflecting on his actions and working on his [REDACTED]. The panel noted that Mr Hewett had had [REDACTED] which had helped him to understand his actions and provide him with coping techniques should any similar situations arise in the future. Overall, the panel considered that, as a result of the [REDACTED] and the level of insight and remorse shown by Mr Hewett, the risk of repetition was relatively low.”

In my judgement, the degree of insight and remorse demonstrated by Mr Hewett means that there is a limited risk of the repetition of this behaviour. 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 that:

“The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception since Mr Hewett’s actions could have been misinterpreted. He was in fact arrested and the initial investigation centred around potential grooming.”

I am particularly mindful of the finding of a failure to adhere to professional boundaries in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Hewett himself. The panel notes that:

“There was some evidence within the bundle that Mr Hewett had demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to the education sector, in particular the fact that he had a previously unblemished record and had been successfully promoted to senior leadership positions during his career.”

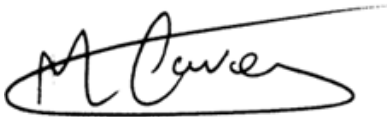
Elsewhere the panel states that:

“The panel decided that there was a strong 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 reaching this decision the panel considered Mr Hewett’s previous unblemished and lengthy career in teaching up to 2016. The panel also considered the comments that had been made about him by his colleagues in that he was a “*very good teacher who inspired many people*” and who had “*made a significant positive impact in a short period of time*” at the School.”

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

In this case, I have placed considerable weight on the panel's comments concerning the degree of insight and remorse demonstrated by Mr Hewett and the low likelihood of his misconduct being repeated in the future. I have also noted the panel's comments regarding the mitigating factors linked to Mr Hewett's health and its assessment that "...the nature and severity of the behaviour were at the less serious end of the possible spectrum...".

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 'M Cavey', enclosed within a hand-drawn oval shape.

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.