



Teaching  
Regulation  
Agency

# **Mr Kevin Jones: Professional conduct panel outcome**

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

**August 2024**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4 - 5
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	6 - 9
Findings of fact	6 - 7
Panel's recommendation to the Secretary of State	9 - 9
Decision and reasons on behalf of the Secretary of State	12 - 13

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

<b>Teacher:</b>	Mr Kevin Jones
<b>Teacher ref number:</b>	8942584
<b>Teacher date of birth:</b>	28 December 1966
<b>TRA reference:</b>	21513
<b>Date of determination:</b>	22 August 2024
<b>Former employer:</b>	Brownhill Learning Community, Rochdale

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 22 August 2024 by way of a virtual hearing, to consider the case of Mr Kevin Jones.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Mrs Anila Rai (lay panellist) and Mrs Georgina Bean (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Miss Kiera Riddy of Browne Jacobson LLP solicitors.

Mr Jones was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 7 June 2024.

It was alleged that Mr Kevin Jones had been convicted of a relevant offence, in that:

1. On or around 17 May 2022, he was convicted at Minshull Street Crown Court for one count of child cruelty on 14 February 2020, and
2. On or around 17 May 2022, he was convicted at Minshull Street Crown Court for one count of child cruelty on 21 February 2020.

Mr Jones did not attend the hearing or respond to the Notice of Hearing. Accordingly, there were no admissions.

## Preliminary applications

### As to whether the hearing should proceed in the absence of Mr Jones

The panel considered an application from Miss Riddy to proceed in the absence of Mr Jones. After hearing submissions from Miss Riddy and receiving legal advice, the Chair announced the following decision of the panel.

The panel has determined that the hearing should proceed in the absence of Mr Jones for the following reasons:

- The Notice of Hearing was sent to Mr Jones in accordance with paragraph 5.23 of Teacher Misconduct: disciplinary procedures for the teaching profession 2020;
- Mr Jones sent an email to the TRA on 1 May 2024 in which he said, *“I do not wish to be present at the hearing. It is so long ago now that the incident happened, and it is too upsetting to go through again”*;
- The panel was also presented with confirmation that Mr Jones accessed the file containing the hearing bundle on 26 July 2024;
- The panel was satisfied that Mr Jones had voluntarily waived his right to participate in the hearing;
- Mr Jones has not sought an adjournment and there is no indication that an adjournment would result in his participation;
- There was a public interest in these proceedings taking place reasonably promptly.

## **Application to amend allegation**

Ms Riddy made an application to remove allegation 2 and amend allegation 1 to read:

‘On or around 17 May 2022 you were convicted at Minshull Street Crown Court for one or more counts of child cruelty on 14 February 2020’.

The panel noted that allegation 2 incorrectly referred to the second count of child cruelty as having taken place on 21 February 2020 rather than 14 February 2020. The purpose of the proposed amendment was to clarify that both offences were alleged to have taken place on 14 February 2020.

After hearing submissions from Miss Riddy and receiving legal advice, the panel agreed that the amendment should be made. The panel was satisfied that the amendment to allegation 1 was to correct an obvious error as to the date on which the second offence was alleged to have occurred. The evidence in the bundle was consistent with both offences having been committed on the same day (i.e. 14 February 2020).

The panel was satisfied that no prejudice would be caused to Mr Jones by the amendment.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of referral and response – pages 5 to 28

Section 2: Documents – pages 30 to 221

Section 3: Teacher correspondence – pages 223 to 233

The panel members confirmed that they had read all the documents within the bundle, in advance of the hearing.

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

### **Witnesses**

There were no witnesses.

## Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered this case and reached a decision.

Mr Kevin Jones was employed as Deputy Headteacher at Brownhill Learning Community ('the School'), Rochdale from 1 January 2005 until 31 August 2022. The School campus included a Pupil Referral Service and the Special School in which he was based.

It was alleged that, on 14 February 2020, Mr Jones inappropriately intervened in an incident when he wrapped his arm around the neck of Pupil A, held his arm behind his back and lifted him off the floor, before taking the pupil to the Reflection Room.

It was further alleged that, a short while later, Mr Jones used disproportionate force in relation to another child, Pupil B after he entered the Reflection Room. It was alleged that Mr Jones pointed for him to sit in the corner and then took hold of Pupil B's arms and crossed the child's arm across his own body and used his left leg to pin the child into the corner of the room.

Following a police investigation, Mr Jones was charged with two offences of child cruelty. On 17 May 2022, he appeared in the Crown Court, when he pleaded guilty to the two offences. On 21 June 2022, Mr Jones was sentenced for the offences. Mr Jones resigned from his position at the School on 16 August 2022.

The panel noted that the bundle of documents included references to incidents involving the handling of pupils on other dates that were not the subject of the convictions. The panel accepted the legal advice that these documents were not relevant, and the panel disregarded them.

## Findings of fact

The findings of fact are as follows:

**It was alleged that you have been convicted of a relevant offence, in that:**

- 1. On or around 17 May 2022 you were convicted at Minshull Street Crown Court for one or more counts of child cruelty on 14 February 2020**

The panel was presented with a certificate from the Crown Court at Manchester Minshull Street confirming that, on 17 May 2022, Mr Jones was convicted upon his own confession of two counts of child cruelty contrary to section 1(1) of the Children and Young Persons Act 1933, for which he was sentenced on 21 June 2022.

The certificate confirmed that Mr Jones was sentenced to 15 months imprisonment suspended for 24 months for each offence. The periods of the suspended sentences

were ordered to run concurrently. Mr Jones was also made the subject of a rehabilitation activity requirement for 10 days and required to perform 210 hours of unpaid work. He was also required to pay £3,500 towards the costs of the prosecution and a victim surcharge of £149.

In addition to the certificate of conviction, the panel was presented with a copy of transcript of the sentencing hearing in the Crown Court on 21 June 2022. The transcript recorded the following comments of the Judge when sentencing Mr Jones:

*“You have pleaded guilty to cruelty of two little boys [Pupil A and Pupil B]. You were in a position of power in that school, a Deputy Head Teacher providing education for pupils with social, emotional and mental health needs.*

*The CCTV footage of these incidents is truly shocking. The situation was clearly under control. Other teachers were managing the fallout of earlier bad behaviour and you needlessly intervened when you lost your temper. You grabbed hold of [Pupil A] by his neck and caused redness and marks around his neck. It is clear to see his distress in that Reflection Room and then when [Pupil B] was brought into the room you behaved towards him in a cruel way completely needlessly. The boy was not doing anything at all other than walking into the room. Two totally needless, senseless, acts of cruelty which, of course, had an effect on those two little boys as revealed by [Pupil A’s] behaviour when he got home and told his mum what had happened. The effect of such cruelty can have lifetime consequences, particularly for youngsters who are struggling, and it seems that [Pupil A] has, or likely has, a diagnosis of ADHD.*

*The offence against [Pupil A] is aggravated because you blamed [Pupil A] himself for the red marks on his neck as a way to save your own skin. In your position of power and authority you relied on his history of self-harm in an attempt to conceal your own offending, no doubt in the belief that the boy would not be believed but, of course, the CCTV gave lie to your denials. The offence was also aggravated because it was committed in the presence of another child and, of course, I am sentencing you for two offences.*

*Set against that is your good character. These offences were out of character. You have worked in this area for a long time with distinction. You have lost your career and reputation and the offences themselves were short-lived, although I have no doubt the consequences to the children will not be.”*

The panel accepted the legal advice that the certificate of conviction represented conclusive proof of the commission of the offences that are the subject of allegation 1.

The panel found allegation 1 proved.

## Findings as to conviction of a relevant offence

Having found allegation 1 proved, the panel went on to consider whether the facts of that proven allegation amounted to conviction of relevant offences.

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 Jones, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Jones was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

With regard to the ethos, policies and practices of the School, the panel noted that the School adopted Team Teach as its approach to the misbehaviour of pupils during aggressive incidents. Mr Jones had been trained in Team Teach techniques and had attended refresher sessions; the most recent being in September 2019. Furthermore, as Deputy Headteacher he was responsible for leading the day-to-day management of the site to ensure compliance with the School’s policies, including following Team Teach approach. Despite this Mr Jones failed to follow them in relation to the students concerned.

As regards statutory frameworks, the panel had regard to the statutory guidance in Keeping Children Safe in Education, which Mr Jones failed to follow in relation to his physical interventions with the students.

The panel noted that the behaviour involved in committing the offences had an impact on the safety and/or security of the students concerned.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Jones’ behaviour in committing the offences could affect public



confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Jones' behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case concerning offences involving child cruelty which the Advice states is likely to be considered a relevant offence.

The panel took into account the comments of Her Honour Judge [REDACTED] to the effect that the offences were out of character and that Mr Jones had '*worked in this area for a long time, with distinction*'. Although the panel found that the comments about Mr Jones' previous good character and teaching proficiency were of note, the panel also had regard to the aggravating factors noted in the sentencing comments.

The panel found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Jones' ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of conviction of relevant offences, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of child cruelty.

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

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 Jones.

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 Jones. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- collusion or concealment including:
  - defending inappropriate actions or concealing inappropriate actions.

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.

There was no evidence that Mr Jones' actions were not deliberate.

There was no evidence to suggest that Mr Jones was acting under duress. When asked about this during his police interview, Mr Jones did not say that there had been any factor which triggered his behaviour.

Mr Jones did have a previously good history and the panel accepted that the incident was out of character. This was consistent with the comments made by Her Honour Judge [REDACTED] when sentencing Mr Jones. He was then also described as someone who

had worked in the area for a long time with distinction. The panel also took into account the fact that the offences were short-lived and confined to 14 February 2020.

However, these mitigating factors had to be balanced against the fact that Mr Jones was convicted of two offences of child cruelty in the performance of his professional role as Deputy Headteacher. The Court noted that Mr Jones was “in a position of power” in a school “providing education to pupils with social, emotional and mental health needs”. The panel also had regard to the potential long-term effects of Mr Jones’ behaviour on the children, especially Pupil A. Mr Jones has not engaged in these proceedings or provided any character references or mitigation for his conduct.

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 Jones 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 Jones. The serious nature of the offences as reflected in the sentence imposed and the aggravating factors identified in the sentencing comments were significant factors 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 two years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. One of these is child cruelty. In this case, Mr Jones was convicted of two offences of child cruelty for which he was sentenced to imprisonment (albeit suspended). The panel also had regard to the description of his conduct by the trial judge as ‘truly shocking’.

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

## Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Jones is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Jones involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of a conviction for child cruelty which resulted in a suspended prison sentence.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher.

I have also asked myself whether a less intrusive measure, such as the published finding of a relevant conviction, 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 Jones, 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, “There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of child cruelty.” A prohibition order would therefore prevent such a risk from being present in the future.

The panel has not commented on the level of insight and remorse shown by Mr Jones but has noted that he pleaded guilty to the 2 counts of child cruelty of which he was convicted. The panel also noted that, during his police interview, Mr Jones “did not say that there had been any factor which triggered his behaviour.” In my judgement, the lack of evidence of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element some 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 has observed that “public confidence in the profession would be seriously weakened if conduct such as that found against Mr Jones were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for child cruelty 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 a relevant conviction, 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 Jones himself. The panel has commented:

“Mr Jones did have a previously good history and the panel accepted that the incident was out of character. This was consistent with the comments made by Her Honour Judge [REDACTED] when sentencing Mr Jones. He was then also described as someone who had worked in the area for a long time with distinction.

The panel also took into account the fact that the offences were short-lived and confined to 14 February 2020.”

A prohibition order would prevent Mr Jones 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 seriousness of the offences of which Mr Jones was convicted. The panel has said, “The Court noted that Mr Jones was “in a position of power” in a school “providing education to pupils with social, emotional and mental health needs”. The panel also had regard to the potential long-term effects of Mr Jones’ behaviour on the children, especially Pupil A. Mr Jones has not engaged in these proceedings or provided any character references or mitigation for his conduct.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Jones 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 evidence of insight and remorse, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period. I have considered the panel’s comments:

“The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period. One of these is child cruelty. In this case, Mr Jones was convicted of two offences of child cruelty for which he was sentenced to imprisonment (albeit suspended). The panel also had regard to the description of his conduct by the trial judge as ‘truly shocking’.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the offences of which Mr Jones was convicted, and the lack of either insight or remorse.

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

**This means that Mr Kevin Jones is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Jones shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Kevin Jones has a right of appeal to 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 'D Oatley', written in a cursive style.

**Decision maker: David Oatley**

**Date: 27 August 2024**

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