



Teaching
Regulation
Agency

Mr Sean Haythornthwaite: Professional conduct panel outcome

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

December 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	6
Documents	6
Witnesses	7
Decision and reasons	7
Findings of fact	8
Panel's recommendation to the Secretary of State	17
Decision and reasons on behalf of the Secretary of State	20

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

Teacher:	Mr Sean Haythornthwaite
TRA reference:	21134
Date of determination:	17 December 2024
Former employer:	Seascale School, Cumbria via Cumbria Music Service, Cumbria County Council

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 16 December 2024 to 17 December 2024, to consider the case of Mr Sean Haythornthwaite (“Mr Haythornthwaite”).

The panel members were Mrs Melissa West (teacher panellist – in the chair), Ms Wendy Shannon (lay panellist,) and Dr Martin Coles (former teacher panellist).

The legal adviser to the panel was Mrs Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Adam Slack of Capsticks LLP solicitors.

Mr Haythornthwaite 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 9 September 2024.

It was alleged that Mr Haythornthwaite was convicted of a relevant offence, in that:

1. On 22 July 2022, he was convicted at Workington Magistrates Court of the following relevant offence(s):
 - a) Assault by beating contrary to section 39 of the Criminal Justice Act 1988.

It was further alleged that Mr Haythornthwaite was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, while employed as a teacher by Cumbria County Council (“the Council”):

2. Between approximately 28 March 2022 and 22 April 2022 he failed to inform the Council that he had been charged with the criminal offence referred to at allegation 1 above.
3. On or around 19 April 2022 he:
 - a) Failed to inform the Council of his absence either promptly or at all; and/or
 - b) Failed to inform the Council that he was attending court that day.
4. On 20 April 2022 he falsely told the Council that the reason he could not attend the inset day on 19 April was because he could not face attending that day or words to that effect.
5. His conduct at any or all of allegations 2-4 above, as may be found proved, was dishonest and/or lacked integrity.

In his response to the notice of proceedings dated 4 October 2024, Mr Haythornthwaite denied the facts of the allegations. As a result, the allegations of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence were not admitted.

Preliminary applications

Proceeding in Absence

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (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] 1 AC1 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 has 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] EWCA Civ 162.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1:

- i) The panel noted that the teacher circled “No” in reply to the question “*Do you intend to be present at the hearing*” in his response to the notice to the proceedings dated 4 October 2024. Mr Haythornthwaite also provided a letter with his response to the notice of proceedings “*to explain his actions*”. The panel therefore considered that the teacher waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.
- ii) The panel did not consider that an adjournment might result in the teacher attending voluntarily. Mr Haythornthwaite did not provide the panel with any evidence to suggest that an adjournment may result in him attending in the future.
- iii) The panel noted that the teacher had circled “No” in reply to the question “*Do you intend to be represented at the hearing*” in his response to the notice to the proceedings dated 4 October 2024. There was no evidence to suggest that there was any wish to adjourn the hearing to obtain legal representation.
- iv) The panel considered the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of representations made by the teacher within his letter to the TRA and is able to ascertain some lines of defence. The panel has the teacher’s evidence addressing mitigation and is able to take this into account at the relevant stage. The panel noted that all witnesses relied upon are to be called to give evidence and the panel can test the teacher’s evidence in questioning those witnesses, considering such points

as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

- v) The panel also considered the risk of reaching an improper conclusion about the absence of the teacher. The panel noted that Mr Haythornthwaite did not provide any reason for his non-attendance, but clearly circled "No" in reply to the question "*Do you intend to be present at the hearing*".
- vi) The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- vii) 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.
- viii) The panel also noted that there are a number of witnesses present at the hearing, who are prepared to give evidence, and that it would be inconvenient for them to return again. Delaying the case may impact upon the memories of those witnesses.

The panel therefore decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear and by taking such measures referred to above to address that unfairness insofar as is possible, 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.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 6

Section 2: Notice of Referral and response, Notice of Proceedings and response, letter from Mr Haythornthwaite to the TRA – pages 7 to 46

Section 3: Teaching Regulation Agency witness statements – pages 47 to 56

Section 4: Teaching Regulation Agency documents – pages 57 to 182

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

Witnesses

The panel heard oral evidence from the following individuals who were called to give oral evidence on behalf of the TRA:

Witness A – [REDACTED]

Witness B – [REDACTED]

Witness C – [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.

Mr Haythornthwaite was employed by Cumbria Music Service, Cumbria County Council (“the Council”) as a peripatetic music teacher and was engaged to teach within Cumbria and taught at Seascale School (“the School”).

On or around 3 February 2022, a parent complaint was received by the School in relation to Mr Haythornthwaite’s conduct towards Pupil A. It was alleged that Mr Haythornthwaite had picked up Pupil A by the ankles and held her upside down in front of pupils.

The School notified the LADO and a meeting was held between the head of service and Mr Haythornthwaite.

On 31 March 2022, Mr Haythornthwaite was informed of the police decision to charge him in respect of the incident with Pupil A. Mr Haythornthwaite did not inform the Council of such charge at this time.

The initial court hearing took place on 19 April 2022. An inset day was also scheduled on this day. Mr Haythornthwaite did not attend the inset day. The court date was adjourned to 22 July 2022.

The next day on 20 April 2022, Mr Haythornthwaite informed the Council that he did not attend the inset day because he could not face people asking questions as to whether he was better.

On 26 April 2022, Mr Haythornthwaite was suspended from the Council.

On 22 July 2022, Mr Haythornthwaite was convicted of Assault by Beating at Workington Magistrates Court. He was sentenced to 150 hours unpaid work and ordered to pay compensation of £100.00.

On 15 September 2022, Mr Haythornthwaite resigned from his employment.

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. On 22 July 2022, you were convicted at Workington Magistrates Court of the following relevant offence(s):

a) Assault by beating contrary to section 39 of the Criminal Justice Act 1988.

The panel had sight of the certificate of conviction. Mr Haythornthwaite pleaded not guilty to assault by beating for picking up Pupil A by the ankles and holding her upside down in front of pupils. The panel noted that the offence “assault by beating” was the technical term used for the type of offence committed.

The panel noted that Mr Haythornthwaite was found guilty of the offence. The certificate of conviction stated “on 3/2/2022 at Seascale in Cumbria assaulted Pupil A by beating her. Contrary to section 39 of the Criminal Justice Act 1988.”

He was sentenced to 150 hours unpaid work and received financial orders for compensation and costs.

The panel found the facts of allegation 1(a) proved. The panel was required at the next stage of their deliberations to determine whether such offence amounted to a relevant offence.

2. Between approximately 28 March 2022 and 22 April 2022 you failed to inform the Council that you had been charged with the criminal offence referred to at allegation 1 above.

Mr Haythornthwaite provided a letter to the TRA with his response to the notice of proceedings dated 4 October 2024.

In the letter, Mr Haythornthwaite stated that “*neither CMS nor CCC had not explained that I may be facing a criminal charge nor would they be supporting or guiding me through this process. After discussing the charge notification with the solicitor, I asked him what I should tell my employer, he told me to ‘Hang fire for now’ as in his words the charge was ‘Nonsense’ and felt the case would be dropped upon review...*”

...After discussing my case with my new solicitor ..., I asked what to tell my employer regarding the case and the hearing and he said to see what happened at the hearing as in his opinion he felt the case would be dropped upon review.

In summary, I never sought to mislead my employer about the charge, I simply followed the advice of my legal team...

...I knew at some point I would need to inform my employer about the charge, even if the case was dropped. Had the advice from either solicitor at any point prior to the hearing been to contact my employer and inform them I would have done so."

The panel had sight of Mr Haythornthwaite's signed employment contract with the Council dated 3 September 2015 which stated that Mr Haythornthwaite was "required to declare any convictions, cautions or actions that may be the subject of a police investigation that occur during your employment."

The panel had sight of a letter from the Council to Mr Haythornthwaite dated 22 February 2022 which confirmed the temporary restrictions to his role would continue until further notice. The letter stated, "I would also ask that should you receive any information that you equally update us as soon as possible."

The panel had sight of another letter from the Council to Mr Haythornthwaite dated 28 March 2022, which again confirmed the temporary restrictions to his role would continue. As part of this letter, the following request was made:

"Should you receive any information that you are able to share with Cumbria County Council I would also ask that you update us as soon as possible."

The panel noted that it was Mr Haythornthwaite's responsibility to update his employer about the charge.

The panel found allegation 2 proved.

3. On or around 19 April 2022 you:

a) Failed to inform the Council of your absence either promptly or at all; and/or

Following the parent complaint regarding Mr Haythornthwaite's conduct towards Pupil A, the Council had placed temporary restrictions on Mr Haythornthwaite's role. He was not permitted to carry out any work in schools or with young people until further notice. Mr Haythornthwaite was working from a tutorial centre and was deployed to assist in the maintenance and organisation of instrument stock, and to undertake tasks related to the planning of curriculum resources.

The panel had sight of the Cumbria Music Service Staff Handbook dated September 2021. The inset dates were listed in the Handbook. One of the inset days was *“Tuesday 19th April 2022 – full day.”*

The panel heard oral evidence from Witness A who stated that although Mr Haythornthwaite held a part time role, teaching across 11 to 12 schools a week, he would have still been expected to attend all of the inset days.

The panel heard evidence from Witness A that she had contacted Mr Haythornthwaite the day before on 18 April 2022 by way of telephone. Witness A stated that she made the call *“to see how he was and was going to say if he couldn’t make it then that was fine as I understood how difficult he was finding the situation. I left a voicemail and a text message, however I did not receive any communication from him.”*

Witness A explained that *“On 19 April 2022, Mr Haythornthwaite did not attend the inset day and had not informed me of his absence neither prior to this, or on the day. I did try to contact him again however I was unable to get through, so I left him a further voicemail message.”*

Witness A further stated that *“On 20 April 2022, I called Mr Haythornthwaite again and was unable to make contact. As such, I left a voicemail asking how he was and to contact me. Mr Haythornthwaite returned my calls shortly after and informed me he was feeling [REDACTED]. He told me that he did not attend the inset day as other members of staff would be asking if he is better, as they believed he was off sick. He informed me that he could not face this and that when the incident at Seascale occurred with the Pupil, he was only behaving in a way which he would have with his [REDACTED].”*

The panel considered Mr Haythornthwaite’s position as set out in his letter to the TRA and noted that he did not deny failing to inform the Council of his absence either promptly or at all. The scheduled court hearing was due to take place on 19 April 2022, the same day as the inset day. Mr Haythornthwaite said, *“As you are aware the hearing was on the same day as Inset which I inevitably missed due to being in court.”*

The panel noted that the Cumbria Music Service Staff Handbook dated September 2021 clearly set out in bold font that *“Employees must contact the Music Service Office as early as possible on the first day of absence. Brief details of the reason for absence and, if possible, some indication of a return to work date should be given.”*

The panel noted that Mr Haythornthwaite would have known about the court hearing date in advance of 19 April 2022 and therefore would have had ample opportunity to update his employer about his absence ahead of this date, but he failed to do so.

The panel found allegation 3(a) proved.

b) Failed to inform the Council that you were attending court that day.

The panel considered the relevant evidence above in respect of this allegation.

The panel considered Mr Haythornthwaite's position as set out in his letter to the TRA and noted that he did not deny failing to inform the Council that he was attending court on 19 April 2022. Mr Haythornthwaite said, *"As you are aware the hearing was on the same day as Inset which I inevitably missed due to being in court."*

The panel considered Witness A's evidence as the attempts she had made to contact Mr Haythornthwaite on 18, 19 and 20 April 2022. In regard to the communication with Mr Haythornthwaite on 20 April 2022, Witness A said that Mr Haythornthwaite *"did not mention that he had attended court, nor did I query this as I was informed that I was unable to discuss the matter with him."*

The panel noted that the Cumbria Music Service Staff Handbook dated September 2021 clearly set out in bold font that *"Employees must contact the Music Service Office as early as possible on the first day of absence. Brief details of the reason for absence and, if possible, some indication of a return to work date should be given."*

The panel noted that Mr Haythornthwaite would have known about the court hearing date in advance of 19 April 2022 and therefore would have had ample opportunity to update his employer about his absence ahead of this date, but he failed to do so.

The panel found allegation 3(b) proved.

4. On 20 April 2022 you falsely told the Council that the reason you could not attend the inset day on 19 April was because you could not face attending that day or words to that effect.

Mr Haythornthwaite provided a letter to the TRA with his response to the Notice of Proceedings dated 4 October 2024. In the letter he stated *"When I opened my email inbox the day after the hearing/inset [REDACTED] had emailed me to enquire about my absence the previous day. I had already missed a phone call from [REDACTED] the previous day and now I had an email from her. As I did not wish to speak to her and felt if I did not respond she would only have to contact me again. As I intended to inform [REDACTED] regarding my absence I did not see why [REDACTED] needed to know anything so without thinking I told her that I could not face going to inset, which is how I felt about attending any inset at that point in time. That way she would have a response from me and we would not need to have any further interaction. I appreciate that me telling [REDACTED] I could not face attending inset as my reason for my absence was a poor choice, and I understand that may be perceived as lacking integrity. However, my reason for doing so was to simply avoid interacting with a colleague I did not feel comfortable communicating with especially when it was regarding a horrible experience I have just had and continuing to go through. I was not in any way trying to avoid informing my employer of the reason for my absence. In hindsight I should have simply told [REDACTED] that I was contacting [REDACTED] regarding my absence..."*

... After I sent the email to [REDACTED] I was in the process of writing an email to [REDACTED], which is impossible to prove, explaining the charge, the hearing and my absence. Before I finished the email I received an email from [REDACTED] stating HR knew about the charge and the hearing and invited me to an interview with [REDACTED] for the next stage of the disciplinary procedure that Friday. It seemed unnecessary at this point to send the email as HR knew about the charge, the reason for my absence."

The panel considered Witness A's evidence. Witness A stated that "On 20 April 2022, I called Mr Haythornthwaite again and was unable to make contact. As such, I left a voicemail asking how he was and to contact me. Mr Haythornthwaite returned my calls shortly after and informed me he was feeling [REDACTED]. He told me that he did not attend the inset day as other members of staff would be asking if he is better, as they believed he was off sick. He informed me that he could not face this and that when the incident at Seascale occurred with the Pupil, he was only behaving in a way which he would have with his [REDACTED]."

The panel was of the view that Witness A's account was consistent throughout.

Taking all of the evidence into consideration, the panel determined that Mr Haythornthwaite falsely told the Council on 19 April 2022 that the reason he could not attend the inset day on 19 April was because he could not face attending that day, rather than explaining that he had attended court.

The panel found allegation 4 proved.

5. Your conduct at any or all of allegations 2-4 above, as may be found proved, was dishonest and/or lacked integrity.

The panel considered this allegation in respect of proven allegations 2, 3(a), 3(b) and 4.

The panel had regard for the legal adviser's advice when considering an allegation of dishonesty. The panel needed first to ascertain, subjectively, the actual state of Mr Haythornthwaite's knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Haythornthwaite'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 Haythornthwaite's knowledge or belief as to the facts.

Following the parent complaint on 3 February 2022 in respect of his conduct towards Pupil A, the witnesses had described Mr Haythornthwaite's behaviour as follows.

Witness A said that she was "utterly shocked" when she heard about the allegation. She said "I couldn't believe it. It was "very much out of character". She described Mr Haythornthwaite as having always having a "quiet and calm" manner.

Witness B said that Mr Haythornthwaite *“certainly had regret for what he did”*.

Witness C said *“He was upset”... “He was really distressed... He was a bit devastated. He just seemed broken.”*

When considering allegations 2 and 3, the panel noted that Mr Haythornthwaite may not have been of [REDACTED] by not openly informing his employer of the charge and about the reason for his absence on the inset day. The panel noted that Mr Haythornthwaite had stated in his letter to the TRA that *“I was not in any way trying to avoid informing my employer of the reason for my absence.”*

Witness A informed the panel that she could not discuss the criminal case with Mr Haythornthwaite. The letters from the Council to Mr Haythornthwaite dated 22 February and 28 March 2022 refer to Witness A as being the individual who he should continue to engage with, so the panel noted that there may have been some confusion over whom Mr Haythornthwaite should have been updating in respect of developments with his criminal case. The letter of 28 March 2022 also appears to suggest that the Council was engaging with the police for updates.

The panel noted that as part of his contract of employment Mr Haythornthwaite was required *“to declare any convictions, cautions or actions that may be the subject of a police investigation that occur during your employment.”* The contract was signed in 2015 and the panel took the view that given the time that had passed since signing the contract, Mr Haythornthwaite may not have remembered this requirement, especially in a stressful situation. The panel did not consider that Mr Haythornthwaite deliberately withheld information from his employer.

The panel did not consider Mr Haythornthwaite’s knowledge or belief as to the facts was dishonest in respect of allegations 2, 3(a) or 3(b). The panel also determined that Mr Haythornthwaite’s state of mind at the time would not be regarded by the standards of ordinary, decent people to be dishonest when considering all of the circumstances of the case and the situation that Mr Haythornthwaite found himself in at the time.

The panel then turned to consider allegation 4.

The panel noted that Mr Haythornthwaite would have been aware of the court date in advance and therefore had the opportunity to disclose this to the Council before 19th April 2022 and inform his line manager of the reason for absence ahead of the inset day.

The panel took Mr Haythornthwaite’s letter to the TRA into account, where he stated that the reason for not informing the School, was due to the legal advice he received at the time. However, the panel noted that the fundamental reason for his absence at the inset day on 19 April 2022 was due to his attendance at court. Therefore the panel considered that Mr Haythornthwaite should have fully explained the reason for his absence to his employer.

Furthermore, the panel determined that Mr Haythornthwaite's state of mind at the time in respect of allegation 4 would be regarded by the standards of ordinary, decent people to be dishonest.

When considering a lack of integrity, the panel recognised that this allegation connotes adherence to the ethical standards of one's own profession and involves more than mere honesty. It is linked to the manner in which the profession professes to serve the public.

The panel recognised that Mr Haythornthwaite's actions in allegations 2, 3(a), 3(b) and 4 impacted upon the trust and confidence that his colleagues had in Mr Haythornthwaite.

The panel also noted that whilst Mr Haythornthwaite had not yet obtained qualified teacher status, he had received in service training over the course of his six year employment period, including annual safeguarding training. He was also part way through his postgraduate certificate in education.

The panel considered that Mr Haythornthwaite's behaviour did not adhere to the ethical standards of a teacher and was in contrast to the manner in which the profession professes to serve the public.

The panel found allegation 5 proved because Mr Haythornthwaite's conduct in allegation 4 was dishonest and his conduct in allegations 2, 3(a), 3(b) and 4 lacked integrity.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found allegations 2, 3(a), 3(b), 4 and 5 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 Haythornthwaite in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Haythornthwaite was in breach of the following standards:

- 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 not satisfied that the conduct of Mr Haythornthwaite, in relation to the facts found proved in allegations 2, 3(a), 3(b), 4 and 5, involved breaches of Keeping Children Safe In Education (“KCSIE”) or Working Together to Safeguard Children.

The panel was satisfied that the conduct of Mr Haythornthwaite fell significantly short of the standard of behaviour expected of a teacher. Mr Haythornthwaite’s dishonest conduct and lack of integrity impacted upon the trust and confidence that his colleagues had in him.

The panel also considered whether Mr Haythornthwaite’s conduct in allegations 2, 3(a), 3(b), 4 and 5 displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant.

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

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.

The panel also considered whether Mr Haythornthwaite’s conduct in allegations 2, 3(a), 3(b), 4 and 5 displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant.

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

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

Having found the facts of particulars 2, 3(a), 3(b), 4 and 5 proved, the panel further found that Mr Haythornthwaite’s conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Relevant Offence

The panel was satisfied that the conduct of Mr Haythornthwaite, in relation to the fact it found proved in allegation 1, involved breaches of the Teachers’ Standards. The panel

considered that by reference to Part 2, Mr Haythornthwaite 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, 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 noted that Mr Haythornthwaite's actions were relevant to teaching, working with children and/or working in an education setting by the very nature of conduct. Mr Haythornthwaite was found guilty of assault by beating by picking Pupil A up by the ankles and holding her upside down in front of pupils. The panel noted that his conduct was in serious breach of safeguarding protocol.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of Pupil A.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Haythornthwaite's behaviour in committing the offence would be likely to affect public confidence in the teaching profession.

The panel noted that Mr Haythornthwaite's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

The panel did not consider that this case involved any of the offences on page 12 of the Advice. The panel noted that the advice is not intended to be exhaustive and there may be other offences that panels consider to be "a relevant offence". The panel noted that Mr Haythornthwaite was found guilty of assault by beating by picking Pupil A up by the ankles and holding her upside down in front of pupils.

The panel noted that his conduct was in serious breach of safeguarding protocol and placed Pupil A at risk of harm.

The panel took into account the surrounding circumstances. Pupil A was upset at the time and was hiding under a table, following an argument with her [REDACTED]. Witness

C explained that Mr Haythornthwaite had told her that he was trying to cheer the child up and behaved as he would with his [REDACTED]. Mr Haythornthwaite had explained to his employer that Pupil A was laughing when he picked her up and the others in the class laughed with her (not at her).

Witness A stated in oral evidence that his conduct was “*very much out of character*” and there had been no prior conduct issues before this incident. The panel noted that there was a lack of evidence to attest to Mr Haythornthwaite’s ability as a teacher. The panel also noted that Mr Haythornthwaite had explained that his “*only prior experience to this role has been training adults in either admin or retail posts. I did not have a teaching qualification and no prior experience of working in a school environment or working with children.*”

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Haythornthwaite’s fitness to be a teacher. The panel considered that a finding that this conviction was for a relevant offence 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 unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction of a relevant offence, 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 Haythornthwaite 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 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.

In the light of the panel’s findings against Mr Haythornthwaite, which involved a serious finding of a relevant offence as he was found guilty of assault by beating for picking up Pupil A by the ankles and holding her upside down in front of pupils, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Haythornthwaite 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 Haythornthwaite was of a serious nature.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a... criminal offence...
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- dishonesty or a lack of integrity, ... especially where these behaviours have been repeated...

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

In the light of the panel's findings, there was evidence that Mr Haythornthwaite's actions were deliberate. There was no evidence to suggest that Mr Haythornthwaite was acting under extreme duress.

Witness A stated that Mr Haythornthwaite did have a previously good history, and there was no prior concern about his conduct. Witness A said that she was "*utterly shocked*" when she heard about the allegation. She said "*I couldn't believe it. It was very much out of character*". She described Mr Haythornthwaite as having always having a "*quiet and calm*" manner.

Witness B said that Mr Haythornthwaite *“certainly had regret for what he did”*.

Witness C said *“He was upset”... “He was really distressed... He was a bit devastated. He just seemed broken.”*

The panel accepted that the incident was out of character.

The panel noted that no references were provided from any colleagues that could attest to his abilities as a teacher.

The panel noted that Mr Haythornthwaite had not yet obtained qualified teaching status at the time of his conduct but had received in service training over the course of his six year employment period, including annual safeguarding training.

The panel was of the view that Mr Haythornthwaite did not have the experience and the level of training and ongoing support that comes with obtaining qualified teacher status. The panel also noted that Witness A stated in oral evidence that she only observed him teach *“once a year”* for appraisal purposes.

Mr Haythornthwaite stated in his letter to the TRA that his *“only prior experience to this role has been training adults in either admin or retail posts. I did not have a teaching qualification and no prior experience of working in a school environment or working with children. When I started my employment at CMS I was given a mentor to observe once a week for three hours meanwhile spending the rest of the week teaching unsupervised by myself. The first week observing my mentor I asked them specifically what the rules were regarding the classroom and the children and they simply shrugged their shoulders and stated they ‘Didn’t know’. Additionally, my mentor would sometimes make physical contact to cheer a student up, to get students to engage or interact in the lesson. Examples such as dancing with them to the music or playfully waving their arms in time to the beat, they also never asked for permission from the students prior to making physical contact. I have seen this countless times in numerous schools from teaching assistants and some teachers. It was never malicious but intended in good humour to encourage the students to engage and to create a positive environment.”*

The panel took the view that Mr Haythornthwaite’s conduct was not malicious and was out of character. The panel further expressed the view that there was no intent by Mr Haythornthwaite to harm Pupil A. The panel noted that there was no opposing evidence to suggest that there was another reason for Mr Haythornthwaite’s conduct other than simply trying to cheer Pupil A up to make her laugh. The panel also noted that all of the subsequent allegations had stemmed from this one incident.

The panel noted that Mr Haythornthwaite did provide insight into his conduct in his letter to the TRA where he said *“What was always made very clear to us is that once the children are in your care they are your responsibility. I took a parental role in a situation to try and cheer a child up because they are my responsibility and because I did not have*

the knowledge to keep myself safe in a teaching environment I made a well intended but poor choice, one that ruined my life and destroyed my teaching career.”

The panel noted that whilst Mr Haythornthwaite was convicted of “assault by beating” for picking up Pupil A by the ankles and holding her upside down in front of pupils, the name of the offence “assault by beating” was the technical term used for the type of offence committed. The panel noted that Mr Haythornthwaite’s behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

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, conduct that may bring the profession into disrepute and a relevant conviction.

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

In particular, the panel has found that Mr Haythornthwaite 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, 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.

In relation to allegations 2, 3(a), 3(b), 4 and 5 the panel was not satisfied that the conduct of Mr Haythornthwaite involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct, conduct likely to bring the profession into disrepute and 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 Haythornthwaite and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils and “The panel noted that Mr Haythornthwaite’s actions were relevant to teaching, working with children and/or working in an education setting by the very nature of conduct. Mr Haythornthwaite was found guilty of assault by beating by picking Pupil A up by the ankles and holding her upside down in front of pupils. The panel noted that his conduct was in serious breach of safeguarding protocol.” 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 noted that Mr Haythornthwaite did provide insight

into his conduct in his letter to the TRA where he said *“What was always made very clear to us is that once the children are in your care they are your responsibility. I took a parental role in a situation to try and cheer a child up because they are my responsibility and because I did not have the knowledge to keep myself safe in a teaching environment I made a well intended but poor choice, one that ruined my life and destroyed my teaching career.”* 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 observe, “The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Haythornthwaite’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession.” I am particularly mindful of the finding of a relevant offence for assault by beating 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, conduct likely to bring the profession into disrepute and 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 Haythornthwaite himself and the panel comment “Witness A stated that Mr Haythornthwaite did have a previously good history, and there was no prior concern about his conduct. Witness A said that she was *“utterly shocked”* when she heard about the allegation. She said *“I couldn’t believe it. It was “very much out of character”*. She described Mr Haythornthwaite as having always having a *“quiet and calm”* manner.” A prohibition order would prevent Mr Haythornthwaite 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 level of insight or remorse and that the panel accepted that the incident was out of character. I have noted the following:

“Witness B said that Mr Haythornthwaite *“certainly had regret for what he did”*.

“Witness C said *“He was upset”... “He was really distressed... He was a bit devastated. He just seemed broken.”*”

I have also placed considerable weight on the finding of the that “The panel took the view that Mr Haythornthwaite’s conduct was not malicious and was out of character. The panel further expressed the view that there was no intent by Mr Haythornthwaite to harm Pupil A. The panel noted that there was no opposing evidence to suggest that there was another reason for Mr Haythornthwaite’s conduct other than simply trying to cheer Pupil A up to make her laugh. The panel also noted that all of the subsequent allegations had stemmed from this one incident.”

I have given weight in my consideration of sanction, therefore, to the mitigating circumstances in this case and that the panel was of the view that Mr Haythornthwaite did not have the experience and the level of training and ongoing support that comes with obtaining qualified teacher status and I have considered the following

“Mr Haythornthwaite stated in his letter to the TRA that his “only prior experience to this role has been training adults in either admin or retail posts. I did not have a teaching qualification and no prior experience of working in a school environment or working with children.”

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 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 19 December 2024

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