



Teaching
Regulation
Agency

Mr Jonathon Baynham: Professional conduct panel outcome

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

May 2025

Contents

| | |
|--|----|
| Introduction | 3 |
| Allegations | 4 |
| Summary of evidence | 4 |
| Documents | 4 |
| Witnesses | 5 |
| Decision and reasons | 5 |
| Findings of fact | 6 |
| Panel's recommendation to the Secretary of State | 11 |
| Decision and reasons on behalf of the Secretary of State | 13 |

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

Teacher: Mr Jonathon Baynham

Teacher ref number: 1262468

Teacher date of birth: 17 October 1983

TRA reference: 21400

Date of determination: 30 May 2025

Former employer: The Amicus School, Arundel

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 27 to 30 May 2025 by way of a virtual hearing, to consider the joint case of Mr Jonathon Baynham and Colleague A.

The panel members were Mrs Monique Clark (teacher panellist – in the chair), Mr Peter Whitelock (lay panellist) and Ms Mona Sood (lay panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

Mr Baynham was not present and was not represented.

[REDACTED].

The hearing took place in public, save that portions of the hearing were heard in private, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 21 January 2025, as amended during the hearing.

It was alleged that Mr Baynham was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a teacher at the Amicus Community ('the School'):

1. On or around 22 August 2022, in relation to an employer reference for Colleague A, he:
 - a) Signed the reference purporting to be signed on behalf of the School when he knew or ought to have known he was not qualified or authorised to do so; and/or
 - b) Included information which he knew or ought to have known was incorrect.
2. On or around 28 September 2022, he submitted an employer reference to a potential future employer that;
 - a) Was signed by Colleague A purporting to be signed on behalf of the School when he knew or ought to have known they were not authorised to do so;
 - b) Indicated that his line manager should not be contacted for references.
3. His conduct at paragraphs 1a) and/or 1b) and/or 2a) and/or 2b):
 - a) Were dishonest; and/or
 - b) Lacked integrity

Mr Baynham admitted allegations 1(a), 1(b), 2(a), 2(b), 3(a) and 3(b), as set out in the response to notice of hearing dated 16 February 2025. However, the panel noted that the admissions were subject to the content of Mr Baynham's written response to the TRA's notice of referral, provided in June 2023, which he asked to be included in the bundle of documents.

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 271 to 272

Section 2: Notice of proceedings and response – pages 273 to 281

Section 3: TRA witness statements – pages 282 to 288

Section 4: TRA documents – pages 289 to 421

Skeleton submissions from the presenting officer.

In addition, the panel agreed to accept the following:

- Late Papers – Mr Baynham’s written response to the notice of referral – pages 422 to 424

The panel members confirmed that they had read all of the documents within the bundle and the presenting officer’s skeleton submissions in advance of the hearing and the additional document that the panel decided to admit.

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A – [REDACTED].

The panel also heard oral evidence from Colleague A.

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 Baynham commenced employment at the Amicus Community (‘the School’) on 11 November 2020.

On 22 August 2022 Mr Baynham allegedly signed an employment reference on behalf of Colleague A, a colleague (referred to as Colleague A in the allegations), for a potential future employer. Mr Baynham allegedly signed this reference on behalf of the School, when he was not qualified or authorised to do so.

On 28 September 2022, Mr Baynham allegedly submitted a reference to a potential future employer, that was signed by Colleague A.

On 3 January 2023, the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation 1 (a) against you proved, and allegation 1 (b) not proved for these reasons:

1. On or around 22 August 2022, in relation to an employer reference for Colleague A, you:

- a) Signed the reference purporting to be signed on behalf of the School when you knew or ought to have known you were not qualified or authorised to do so; and/or**
- b) Included information which you knew or ought to have known was incorrect.**

The panel considered the [REDACTED] reference form for Colleague A dated 22 August 2022, and noted the following:

- The employer reference form was provided by and submitted to [REDACTED] (not the employing school).
- Mr Baynham was listed as the referee name.
- The form was signed by Mr Baynham and dated 22 August 2022.
- It is obvious from the content of the reference, in particular the type of information requested to be completed by the referee that it was meant to be an employer reference. For example, the answers would require employer/line management knowledge to complete accurately.

The panel considered the oral evidence and written statement of Witness A who stated that on 22 August 2022, Mr Baynham completed a reference for Colleague A, and this was provided to [REDACTED]. She stated that in his capacity as colleague and not an employer, Mr Baynham should not have completed this reference, and he would not have been aware if Colleague A had been subject to any previous disciplinary proceedings or if any safeguarding concerns had arisen in relation to her.

The panel considered the oral evidence and written statement of Colleague A, who stated that due to her experience with the School, she deliberately omitted Witness A as a referee on the forms because she was sure she would get an unsatisfactory reference from her and instead put Mr Baynham's name down as they had agreed that as he was also looking for a job at the time, she would reciprocate by providing him with a reference.

Colleague A stated that [REDACTED] sent Mr Baynham a reference on 22 August 2022 and he texted her to say he did not know some of the details such as her date of birth, salary, start date, disciplinary record, safeguarding record and her reason for leaving the School. Colleague A provided him with the information so that he could complete the form. Colleague A clarified that she did not write to the future employer herself, but gave Mr Baynham these details so that he could finish the reference request. She stated that these details were information that only her line manager would know and not her colleague.

The panel considered Mr Baynham's written response to the TRA's notice of referral in June 2023, in which he "confessed" to affixing his signature on the reference and subsequently sending it to [REDACTED].

The panel concluded based on the evidence, that Mr Baynham knew or ought to have known that he was not qualified or authorised to complete the employer reference for Colleague A. The panel was satisfied that as a colleague Mr Baynham was not in a position to provide accurate information within the reference.

The panel noted that they were not taken to any information in the reference which was alleged to be incorrect.

The panel considered the oral and written statement of Colleague A, who confirmed that she was not subject to any disciplinary proceedings or had any safeguarding concerns raised about her. She stated that she was a good teacher, and the panel noted that the oral evidence of Witness A confirmed the same and further stated that, putting these allegations to one side, she would re-employ Colleague A as a teacher.

The panel considered the written response of Mr Baynham in which he stated that he reaffirmed his previous statements about Colleague A's teaching abilities as set out in the reference and the information was not misleading.

The panel concluded on the evidence that Mr Baynham did not include any information that he knew or ought to know was incorrect.

The panel found allegation 1(a) proven.

The panel found allegation 1(b) not proven

The panel found the following particulars of the allegation 2 against you not proved for these reasons:

2. On or around 28 September 2022, you submitted an employer reference to a potential future employer that;

- a) Was signed by Colleague A purporting to be signed on behalf of the School when you knew or ought to have known they were not authorised to do so;**

b) Indicated that your line manager should not be contacted for references.

The panel considered the reference form completed by Colleague A for Mr Baynham, dated 18 October 2022.

The panel considered the oral evidence and written statement of Witness A who stated that on 24 November 2022, she was contacted by [REDACTED] and informed that Colleague A had provided a reference for Mr Baynham. The witness stated that this was an employer reference and should not have been provided to Colleague A by Colleague A as she was not the employer of Mr Baynham.

Witness A stated that Mr Baynham was a colleague of Colleague A. She stated that it was discovered that Colleague A had provided a reference for Mr Baynham in the capacity of an employer. She stated that Colleague A completed this reference on 18 October 2022, and responded '*employer*' to the question '*in what capacity are you providing this reference.*'

The panel considered the oral evidence and written statement of Colleague A, who stated that in September 2022, Mr Baynham asked if she would provide a reference for him, which she did, as agreed previously.

The panel considered the written evidence of Witness A in which she stated that Mr Baynham accepted that he indicated to his future employer that she should not be approached for a reference until the interview process had concluded but did not intend to stop a reference request eventually being received by her. The panel noted that this account was reflected in the School's investigatory notes and Mr Baynham's written response.

The panel considered the content of the employer reference submitted to Mr Baynham's potential future employer on 18 October 2022 and noted that it did not contain any instruction not to contact his line manager. The panel was of the view that this request might have been found in an application form submitted by Mr Baynham but without this in the evidence bundle it was unable to substantiate this was the case.

The panel noted that it was not taken to or provided with any document purporting to be an employer reference which contained an instruction from Mr Baynham not to contact his line manager, Witness A.

The panel concluded based on the evidence that Colleague A sent the employer reference to a potential future employer on 18 October 2022, and therefore due to the construction of allegation 2 (which stated that Mr Baynham had submitted the reference) and lack of evidence it was not open to the panel to find any part of the allegation proven.

The panel found allegations 2(a) and 2(b) not proven.

3. Your conduct at paragraphs 1a) and/or 1b) and/or 2a) and/or 2b):

a) Were dishonest; and/or

b) Lacked integrity

The panel firstly considered whether Mr Baynham had failed to act with integrity in relation to the proven facts of allegation 1(a).

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel considered that Mr Baynham had failed to act within the higher standards expected of a teacher in that he submitted a reference to a potential future employer for Colleague A when he was not qualified or authorised to do so.

The panel was mindful that pre-employment checks are an important part of the process in the education sector, particularly from a safeguarding perspective, and it is vital that an accurate reference should be provided.

The panel found that Mr Baynham had failed to act with integrity by deliberately completing a reference for a colleague when he was not qualified or authorised to do so.

The panel went on to consider whether Mr Baynham had acted dishonestly in relation to the proven facts of allegations 1(a). In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Baynham's knowledge or belief as to the facts. The panel considered that Mr Baynham had knowingly provided a reference for a colleague when he was not qualified or authorised to do so, as part of their mutual agreement to provide references for one another to avoid a poor reference from their line manager.

The panel considered whether Mr Baynham's conduct was dishonest by the standards of ordinary decent people. Based upon the evidence contained within the bundle and witness evidence, the panel found that Mr Baynham's conduct was objectively dishonest.

The panel found allegations 3(a) and 3(b) proven.

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

Having found allegations 1(a) and 3 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 first considered whether the conduct of Mr Baynham in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Baynham 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct. The panel found that none of these offences was relevant.

For these reasons, the panel was satisfied that the conduct of Mr Baynham amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Albeit, the panel considered that Mr Baynham’s conduct was at the lower end of the scale, involving an isolated incident whereby he sought to mislead a potential employer as to the capacity in which he provided a reference.

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

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

In considering the issue of disrepute, the panel also considered whether Mr Baynham’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Baynham was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

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

For these reasons, the panel found that Mr Baynham's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Baynham, which involved misleading a potential employer as to the capacity in which he provided a reference, the content of which was unreliable, there was a strong public interest consideration in declaring and upholding proper standards of conduct.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Baynham in the profession. The panel considered the evidence of Witness A that Mr Baynham was subject to an active formal performance improvement plan, which was corroborated by Mr Baynham's own evidence. The panel noted the absence of any evidence from Mr Baynham relating to his teaching career or abilities. The panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Baynham in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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.

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 Baynham.

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:

- dishonesty or a lack of integrity; and
- collusion
 - failure to challenge inappropriate actions;
 - encouraging others to break rules.

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 Baynham's actions were not deliberate.
- There was no evidence that Mr Baynham was acting under extreme duress.
- Mr Baynham did not demonstrate exceptionally high standards in his professional conduct or having contributed significantly to the education sector.

The panel noted there was no evidence from Mr Baynham demonstrating any insight or remorse for his actions.

The panel also noted Mr Baynham's experience in the educational recruitment sector.

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 Baynham 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 Baynham. The fact that he was found to have been dishonest and had shown no insight or remorse for his actions 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 2 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. None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. None of the listed characteristics were engaged by the panel's findings.

The panel decided that the findings indicated a situation in which a review period of two years would be appropriate and proportionate. This would afford Mr Baynham the opportunity to reflect on his actions and develop the necessary insight and remorse to mitigate against future repetition of the behaviour should he wish to do so.

The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including allegations 1(b), 2(a) and (b). I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Baynham 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Baynham 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 and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Baynham, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "The panel was mindful that pre-employment checks are an important part of the process in the education sector, particularly from a safeguarding perspective, and it is vital that an accurate reference should be provided." 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 there was no evidence from Mr Baynham demonstrating any insight or remorse for his actions." In my judgement, the lack of evidence of insight or 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 considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Baynham were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of misleading a potential employer and dishonesty 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 and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Baynham himself the panel comment "Mr Baynham did not demonstrate exceptionally high standards in his professional conduct or having contributed significantly to the education sector." The panel also said, "The panel also noted Mr Baynham's experience in the educational recruitment sector."

A prohibition order would prevent Mr Baynham 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 "In light of the panel's findings against Mr Baynham, which involved misleading a potential employer as to the capacity in which he provided a reference, the content of which was unreliable, there was a strong public interest consideration in declaring and upholding proper standards of conduct."

I have also placed considerable weight on the finding that "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 Baynham. The fact that he was found to have been dishonest and had shown no insight or remorse for his actions were significant factors in forming that opinion.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel's comments “The panel decided that the findings indicated a situation in which a review period of two years would be appropriate and proportionate. This would afford Mr Baynham the opportunity to reflect on his actions and develop the necessary insight and remorse to mitigate against future repetition of the behaviour should he wish to do so.”

I agree with the panel that a two year review period is proportionate in this case to maintain public confidence and is in the public interest.

This means that Mr Jonathon is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 11 June 2027, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Baynham remains prohibited from teaching indefinitely.

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

Mr Baynham 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 blue ink, appearing to read 'J. A. Buxton', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 5 June 2025

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