



Teaching  
Regulation  
Agency

# **Mr Benjamin Phelps: Professional conduct panel outcome**

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

**January 2026**

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

<b>Teacher:</b>	Mr Benjamin Phelps
<b>Teacher ref number:</b>	2282417
<b>Teacher date of birth:</b>	28 May 1994
<b>TRA reference:</b>	23673
<b>Date of determination:</b>	16 January 2026
<b>Former employer:</b>	Bede's School, Hailsham

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually between 12 and 16 January 2026 to consider the case of Mr Benjamin Phelps.

The panel members were Mrs Julie Wells (teacher panellist and Chair), Mrs Pat Hunt (former teacher panellist), and Mr Steven Boocock (lay panellist).

The legal adviser to the panel was Mr John Lucarotti of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin.

Mr Phelps was present and unrepresented (although Mr Conor Hegarty was appointed for Mr Phelps by the TRA for the sole purpose of putting questions to Pupil A).

## Allegations

The panel considered the allegations set out in the notice of hearing dated 29 October 2025.

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

Whilst working as Performing Arts Technician and/or Deputy Boarding Housemaster and/or Tutor at Bede's Senior School ('the School') you:

1. Engaged in a course of conduct akin to grooming towards Pupil A and/or crossed professional boundaries with Pupil A, from on or around November 2023, including:
  - a) Exchanging photographs;
  - b) Exchanging Google chat correspondence of a personal nature;
  - c) Sending [REDACTED] written notes of a personal nature;
  - d) Sending [REDACTED] voice notes of a personal nature;
  - e) Giving [REDACTED] a [REDACTED];
  - f) Spending time with [REDACTED] which was unrelated to lessons and/or [REDACTED] education; and/or
  - g) Exchanging What's App messages of a personal nature.
2. Engaged in inappropriate and/or physical contact with Pupil A and/or did not disclose to the School that Pupil A had kissed you.
3. Disclosed confidential information and/or had inappropriate discussions, regarding Pupil N to Pupil A.
4. Did not disclose a safeguarding concern regarding Pupil A in a timely manner, or at all, through the appropriate channels.
5. Used the School's internal messaging system and/or email, to send messages to one or more pupils which were:
  - a) Excessive;
  - b) Outside of School hours; and/or
  - c) Inappropriate.
6. Allowed and/or facilitated Pupil A missing one or more lessons to engage in personal time with you.
7. Failed to follow a direct instruction to discontinue contact with pupils during your suspension.
8. On one or more occasions, you entered pupil rooms and allowed the door to close.
9. Your conduct at 1a, 1b, 1c, 1d, 1e, 1f, 1g, 2, 5a, 5b, 5c, and/or 6 above was sexual in nature.

At the outset of the hearing, Mr Phelps admitted the following allegations:

1(a) to (g), Admitted, insofar as his conduct crossed professional boundaries, but NOT that he had engaged in a course of conduct akin to grooming

2, Admitted, insofar as he did not disclose to the School that Pupil A had kissed him, but NOT that he had engaged in inappropriate or physical contact with Pupil A

3, Admitted, insofar as he had inappropriate discussions regarding Pupil N with Pupil A, but NOT that he had disclosed confidential information

4, Admitted in full

5, Admitted in full

6, Admitted in full

7, Admitted in full

8, Admitted in full

Mr Phelps denied allegation 9 in its entirety.

## **Summary of evidence**

### **Documents**

In advance of the hearing, the panel received a 1238-page bundle of documents which included:

Section 1: Chronology and list of key people pages 7 to 8

Section 2: Notice of hearing and response pages 9 to 17

Section 3: TRA witness statements pages 18 to 49

Section 4: TRA documents pages 50-1132

Section 5: Teacher's documents pages 1133 to 1238

In addition, the panel was also supplied with:

- 10 video recordings
- 4 audio recordings
- A skeleton argument produced by Mr Millin in advance of the hearing

- An evidence matrix supplied by Mr Millin at the close of the TRA case
- A document containing Mr Phelps' evidence-in-chief which was supplied to the panel after he had been cross-examined but before the panel had asked Mr Phelps questions

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing and the additional documents that the panel decided to admit. The panel members also confirmed that they had viewed and listened to the various recordings provided.

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:

- Pupil A
- Mother A
- Witness A, [REDACTED]
- Witness B, [REDACTED]

The panel also heard oral evidence from Mr Phelps.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

By way of background, Mr Phelps started working at the School on 3 August 2020. He was initially employed as a Drama Production Technician and Deputy Housemaster. His role was expanded in July 2023 to include the role of Drama Technician Teacher.

On 25 March 2024, Pupil A's [REDACTED] contacted the school to make a disclosure about an inappropriate relationship between Mr Phelps and Pupil A. On 27 March 2024, Mr Phelps was suspended from employment pending an investigation.

On 24 April 2024, following the conclusion of the investigation, Mr Phelps' employment was terminated by the School.

## Findings of fact

Having considered all of the evidence before it, having taken into account the submissions by the TRA and Mr Phelps, and accepted the advice of the legal advisor, the panel noted that much of the evidence was not in dispute and that the following appeared to be common ground between the parties:

In October 2023, Mr Phelps received a call from [REDACTED] Pupil A, who was a [REDACTED]. Following that call, he spoke to Pupil A and [REDACTED]. This led to Mr Phelps taking [REDACTED].

Over the next few months, there was increased interaction between Mr Phelps and Pupil A and this is evidenced by Google chat messages (which was the School's primary method of internal electronic communication) in November and December 2023 and January 2024, which suggest an increasingly personal relationship forming between them. At some point in November 2023, Pupil A disclosed a matter to Mr Phelps which should have prompted him to follow safeguarding procedures in respect of [REDACTED]. He did not do so.

In early January 2024, Mr Phelps and Pupil A moved their mutual correspondence to WhatsApp (which wasn't an approved form of communication within the School). Over the course of the next month, the communications between them became increasingly personal and they undertook other activities such as spending more time together outside of lesson time and exchanging photographs. Matters came to a head on an unknown date in February 2024 when, having recently received a [REDACTED] from Mr Phelps, Pupil A attempted to kiss Mr Phelps whilst he was in [REDACTED] room. It is indicated that Mr Phelps did not reciprocate the kiss and that following this point, Mr Phelps attempted to return the relationship between the two to a more professional footing.

There is less unanimity between the various accounts as to what transpired next, but the panel noted that this is not crucial as far as the allegations are concerned, given that they primarily relate to events between October 2023 and February 2024. However, by way of explanatory context to the events that led to the School investigation, the panel noted that in March 2024, Mother A [REDACTED] in respect of Mr Phelps.

Before making its factual findings, the panel noted in particular the following aspects of the witness evidence:

### Pupil A

Pupil A indicated that Mr Phelps had been '[REDACTED]' in October 2023 and [REDACTED] relationship with him had become 'more personal' after Christmas 2023 when [REDACTED] had developed feelings towards him and become [REDACTED]. [REDACTED] stated that, although the relationship became more professional after

[REDACTED] had attempted to kiss him in February 2024, [REDACTED] continued to have intense thoughts and feelings about him and this was recorded in the form of fantasies in [REDACTED].

### Mother A

Mother A provided detail about the impact that the events leading to the TRA investigation had had on [REDACTED] following the phone call in October 2023.

### Witness A

Witness A provided evidence as to the arrangements within the boarding house and as to the training received by Mr Phelps in respect of expectations of boarding staff and safeguarding.

### Witness B

Witness B provided evidence around the detail of the School investigation into Mr Phelps and further information in respect of appropriate safeguarding procedures.

### Mr Phelps

Mr Phelps accepted that his relationship with Pupil A became increasingly inappropriate between November 2023 and February 2024. He conceded that with hindsight he had probably been flattered to receive the attention that he had from Pupil A and that some of the messages he sent [REDACTED] indicated that he had developed romantic feelings towards [REDACTED]. He accepted that he was fully aware of the relevant safeguarding procedures and that he had simply not followed them in relation to Pupil A. He identified this failure as the root cause of all that followed.

The individual findings of fact are as follows:

- 1. Engaged in a course of conduct akin to grooming towards Pupil A and/or crossed professional boundaries with Pupil A, from on or around November 2023, including:**
  - a) Exchanging photographs;**
  - b) Exchanging Google chat correspondence of a personal nature;**
  - c) Sending [REDACTED] written notes of a personal nature;**
  - d) Sending [REDACTED] voice notes of a personal nature;**
  - e) Giving [REDACTED] a [REDACTED];**
  - f) Spending time with [REDACTED] which was unrelated to lessons and/or [REDACTED] education; and/or**
  - g) Exchanging What's App messages of a personal nature.**

The panel noted that the factual elements of each particular were admitted by Mr Phelps and that he admitted that these crossed professional boundaries, but he denied that he had engaged in a course of conduct akin to grooming.

The panel was satisfied that there was evidence to support each particular, in addition to the admissions by Mr Phelps.

In respect of 1(a), the panel had regard to the photographs contained within the bundle, including those of Mr Phelps and of [REDACTED] in various settings.

In respect of 1(b), the panel had regard to the Google chat messages between Mr Phelps and Pupil A between November 2023 and January 2024.

The panel noted the use of kisses and emojis, and messages such as:

- *'you have such a beautiful mind though, it's so pure and genuine, I've always said that'*
- *'Massive hugs on the pillow'*
- *'Maybe delete this chat too in case they look through your phone'*

In respect of 1(c) the panel had regard to:

- the note written to Pupil A on a napkin which said *'Just to say.. I (heart symbol) with all my (heart symbol), xxxx, missed you today'*
- the [REDACTED] which stated: [REDACTED]

In respect of 1(d), the panel had regard to the voice notes from Mr Phelps to Pupil A which detailed arrangements between them as regards meeting.

In respect of 1(e), the panel had regard to the [REDACTED] itself referred to above in relation to allegation 1(c).

In respect of 1(f), the panel had regard to the reference to [REDACTED] and other places outside of the School, taken by Mr Phelps and Pupil A. The panel noted the message from Mr Phelps to Pupil A which stated *'Fair! Want to sneak off together for some lunch? X'*

In respect of 1(g), the panel had regard to the WhatsApp messages between Mr Phelps and Pupil A from January and February 2024, including the following messages:

- *'I hope you've had a good night, I'm falling asleep with my phone in my hand. I love you and wish you sweet dream!! Contact me about anything xxxxxx'*

- *Love you more every day. My heart fluttered every time you caught my eye x also, I love the hearts! Just ready them they'll stay close to me xx'*
- *'Ok, I've been thinking about tomorrow and I think we should go to [REDACTED] and get a [REDACTED] and eat in the car'*
- *'A hot feeling went through me, from front to back, I shook slightly (bit weird but true), then I had this warm glow and I can't stop staring at it. I feel love, like pure love at a level I'm not sure I've felt before. This one feels special. (I'm so sorry for this but you want the truth) it properly turned me on. I just want to grab you and pick you up and have you wrapped around me. Also (less crass now!) I feel like there is not a single other thought in my brain, not one other than you.'*

The panel found that both individually and cumulatively the activities detailed within 1(a) to (g) amounted to significant breaches of professional boundaries and demonstrated that by February 2024 the relationship between Mr Phelps and Pupil A had become personal and romanticised.

In respect of the element of the allegation denied by Mr Phelps, the TRA sought to define the expression 'akin to grooming' by reference to a definition produced by the Metropolitan Police:

*'Grooming is when a person builds a relationship with a child, young person or an adult who's at risk so they can abuse them and manipulate them into doing things.'*

The TRA indicated that it had charged 'akin to grooming' as opposed to 'grooming' itself, on the basis that it was not alleging that Mr Phelps, when performing the activities detailed at particulars 1(a) to (g), had the motivation to abuse or manipulate Pupil A. It contended simply that these activities had the appearance of grooming behaviour. Accordingly, it was not put to Mr Phelps in cross-examination that he intended to abuse or manipulate Pupil A, simply that he 'targeted' Pupil A for attention.

The panel had significant difficulty in considering this aspect of the allegation as whilst it considered that all of the activities set out at particulars 1(a) to (g) had the potential to amount to steps that equated to a course of conduct of an individual who was attempting to groom a [REDACTED], it was not able to conclude on the evidence before it that Mr Phelps had had that intention, and this aspect was not put to him in cross-examination. The panel determined that, notwithstanding the TRA's assertion that 'akin to grooming' meant something short of grooming in terms of the applicable mental state, the intention or motivation was actually a central part of the grooming definition advanced by the TRA ('so that they can abuse them and manipulate them into doing things') and therefore it would not be fair to make a finding against Mr Phelps in relation to any grooming allegation given that this had not been put to him.

Accordingly, the panel found the 'course of conduct akin to grooming' part of the allegation not proved.

The panel found that the rest of the allegation was proved.

**2. Engaged in inappropriate and/or physical contact with Pupil A and/or did not disclose to the School that Pupil A had kissed you.**

The panel noted that Mr Phelps admitted that he had not disclosed to the School that Pupil A had kissed him in February 2024. The kiss was confirmed by the evidence of Pupil A and the failure to report was confirmed by Witness B.

The panel further noted that Mr Phelps during his evidence accepted that he had also engaged in inappropriate and physical contact with Pupil A beyond being the recipient of the kiss in February 2024 and that this charge was admitted. Mr Phelps accepted that he had kissed Pupil A on the cheek on occasion and that he could see that this could be perceived as inappropriate. Furthermore, it was clear from the multiple references to hugs within the electronic correspondence between Pupil A and Mr Phelps that hugs had occurred between them.

The panel found this allegation proved in its entirety.

**3. Disclosed confidential information and/or had inappropriate discussions, regarding Pupil N to Pupil A.**

The panel noted that this particular appeared to relate to correspondence between Mr Phelps and Pupil A in December 2023, when Mr Phelps made reference to an aspect of Pupil N's behaviour and presentation.

Mr Phelps accepted that this discussion was inappropriate but stated that he did not consider that this information was confidential on the basis that it was his personal assessment of Pupil N and that this had not been informed by access to any other information.

The panel concluded that there was no evidence before it that indicated that the information in respect of Pupil N was 'confidential' and therefore found this element of the allegation not proved.

In light of the admission by Mr Phelps, the panel found the rest of the allegation proved.

**4. Did not disclose a safeguarding concern regarding Pupil A in a timely manner, or at all, through the appropriate channels.**

The panel noted that this particular, admitted by Mr Phelps, related to his response to being informed by Pupil A that [REDACTED]. The panel was satisfied that the evidence before it indicated that the safeguarding concern had not been communicated through

the appropriate channels. It was also clear from the evidence that Mr Phelps had experience of safeguarding procedures and reporting through 'MyConcern.'

The panel found this allegation proved.

- 5. Used the School's internal messaging system and/or email, to send messages to one or more pupils which were:**
- a) Excessive;**
  - b) Outside of School hours; and/or**
  - c) Inappropriate.**

In respect of this allegation, which was admitted by Mr Phelps, the panel noted the evidence in respect of Google messaging which it had previously identified within the context of allegation 1(b). The panel found that the content of the messages (allegation 5(c)) inappropriate on the basis of it being overly personal and familiar. The panel further considered that the timing, frequency and volume of the messages were such that allegations 5(a) and (b) were clearly made out. The panel noted that many of the messages within the evidence occurred late at night and in the early hours of the morning.

The panel found this allegation proved in its entirety.

- 6. Allowed and/or facilitated Pupil A missing one or more lessons to engage in personal time with you.**

The panel noted that this allegation had been admitted by Mr Phelps on the basis that he had taken Pupil A to [REDACTED] on one occasion and this amounted to personal time together. Notwithstanding this admission, the panel considered that there was no evidence before it to support the other aspect of the allegation that Pupil A had actually missed a lesson to do this.

In the absence of this component, the panel did not find this allegation proved.

- 7. Failed to follow a direct instruction to discontinue contact with pupils during your suspension.**

The panel noted that this allegation had been admitted by Mr Phelps on the basis that he had knowingly answered a telephone call made by Pupil A, after he had been suspended and instructed not to be in contact with pupils.

The panel found this allegation proved in its entirety.

- 8. On one or more occasions, you entered pupil rooms and allowed the door to close.**

The panel noted that this allegation had been admitted by Mr Phelps on the basis that there were occasions when he entered pupil rooms and allowed the door to close.

The panel found this allegation proved in its entirety.

**9. Your conduct at 1a, 1b, 1c, 1d, 1e, 1f, 1g, 2, 5a, 5b, 5c, and/or 6 above was sexual in nature.**

The panel noted that the TRA had not made an allegation to the effect that Mr Phelps conduct was sexually motivated and that the question was solely whether the particulars at 1(a) to 1(g), 2, 5(a) to (c) were sexual in nature.

In considering whether the particulars were of a sexual nature, the panel had regard to section 78 of the Sexual Offences Act 2003:

*'For the purposes of this part, penetration, touching or any other activity is sexual if a reasonable person would consider that:*

- (a) Whatever its circumstances or any person's purpose in relation to it, it is because of its nature sexual; or*
- (b) Because of its nature, it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual'*

Having regard to this definition, the panel considered each of the proved particulars in turn. It concluded that particulars 1(g) and 2 amounted to conduct that was sexual in nature for the following reasons.

In respect of 1(g) the panel noted Mr Phelps' messages refer to him being 'turned on' by Pupil A and wanting to have [REDACTED] 'wrapped around' him. The panel considered that this plainly was a sexual message.

In respect of 2, the panel concluded that the acts referred to (hugs and kisses on the cheek) would, in the context of a developing personal relationship between Mr Phelps and Pupil A, have had a sexual nature to them.

Whilst there was evidence of inappropriate communication and interaction from Mr Phelps to Pupil A within the remaining proved particulars 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 5(a), (b), (c), the panel did not consider that this conduct was of a sexual nature as opposed to being merely inappropriate.

In summary, the panel found the following factual particulars proved:

1(a) to (g) insofar as as Mr Phelps crossed professional boundaries, 2, 3, insofar as Mr Phelps had inappropriate discussions regarding Pupil N to Pupil A, 4, 5 (a), (b) and (c), 7, 8, 9, in relation to 1(g) and 2.

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

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 Phelps in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Phelps 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.

The panel also considered whether Mr Phelps’ 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.

Given the circumstances of this particular case the panel did not consider that any of these offences were engaged.

Of the allegations that had been proved, the panel found that particulars 1, 2, 3, 4, 5, 7 and 9 were sufficiently serious to amount to unacceptable professional conduct. The panel considered that allegations 1, 2, 3 and 5 all related to the development and pursuance of an extremely inappropriate personal relationship with a [REDACTED].

Further, the panel considered that the concerns arising out of allegation 4 were of particular seriousness given that this was an example of Mr Phelps not taking appropriate action in relation to a situation whereby the [REDACTED] was at [REDACTED]. In addition, the panel considered that allegation 7 amounted to a failure to accord with an express direction that had been given in order to preserve the integrity of the investigation into Mr Phelps and to safeguard the welfare of pupils. Finally, the panel did not consider that allegation 8 was as serious, given the evidence that was provided by multiple witnesses as to the self-closing nature of the doors, the geography of the rooms, and the different tasks that were required of staff entering boarding rooms.

For these reasons, the panel was satisfied that the conduct of Mr Phelps (aside from allegation 8) amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

In relation to whether Mr Phelps' 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 Phelps' 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 Phelps was guilty of unacceptable professional conduct, the panel found that the following points were relevant:

- Mr Phelps entered into an inappropriate relationship with a [REDACTED] and significantly exceeded professional boundaries in so doing.
- Mr Phelps had not complied with relevant School policies and guidance.
- Mr Phelps did not perform his safeguarding role adequately, or at all, with respect to Pupil A, who was [REDACTED].
- Mr Phelps did not follow the instructions as regards contact with pupils during the investigation into him and this had the potential to compromise the investigation.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel noted that the conduct had occurred within a setting whereby additional trust had been placed in staff by those sending their children to school as boarders.

The panel considered that Mr Phelps' conduct had the potential to greatly damage confidence in the education system as a member of the public would be concerned to hear what he had done in a situation where great trust had been placed in him in.

For these reasons, the panel found that Mr Phelps' 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 and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Phelps, which involved an inappropriate relationship with a [REDACTED], a breach of trust, and failures in safeguarding there was a strong public interest consideration in the maintenance of public confidence in the profession.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Phelps 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 Phelps 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 Phelps in the profession. Whilst there is evidence that Mr Phelps had experience as an educator, the panel

considered that the adverse public interest considerations above outweigh any interest in retaining Mr Phelps 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 Phelps.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education ... of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel noted and accepted that Mr Phelps was under personal pressure at the time of the allegations due to his circumstances. Mr Phelps was also an inexperienced teacher and he had previously good character. There was also evidence that his work was of high value to the school. Mr Phelps demonstrated some insight into his behaviour,

although the panel considered that he had not fully understood the gravity of what he had done and the impact that it had had on others.

In the panel's view, none of these factors were sufficient to amount to significant mitigation in the circumstances.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition and assessed 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 Phelps 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 Phelps. The sustained pattern of breaching professional boundaries (including some conduct of a sexual nature) and safeguarding failures was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The 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. However, 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. The panel did not consider that any of the listed characteristics were engaged by the panel's findings.

The panel considered that the nature of Mr Phelps' conduct, involving as it did an inappropriate relationship (with some aspects of a sexual nature) with a [REDACTED] and serious failures in respect of safeguarding regarding that individual, meant that a longer review period than two years was appropriate.

Given the circumstances of this case, and considering what was both proportionate and required in the public interest, the panel considered that the review period should be set at 4 years from the date at which any order takes effect.

## **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 one of the allegations not proven (allegation 6), and found that one allegation does not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute (allegation 8). I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Phelps 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 finds that the conduct of Mr Phelps fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding that “...*the conduct had occurred within a setting whereby additional trust had been placed in staff by those sending their children to school as boarders*”.

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 Phelps, 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 safeguard pupils. The panel has observed that in this case the conduct,

*“...involved an inappropriate relationship with a [REDACTED], a breach of trust, and failures in safeguarding...”*

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,

*“Mr Phelps demonstrated some insight into his behaviour, although the panel considered that he had not fully understood the gravity of what he had done and the impact that it had had on others”.*

In my judgement, the lack of full insight 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 Mr Phelps’ conduct had the potential to greatly damage confidence in the education system as a member of the public would be concerned to hear what he had done in a situation where great trust had been placed in him in”.*

I am particularly mindful of the finding of that some of the conduct was sexual in nature (in relation to allegations 1(g) and 2) 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 Phelps himself. The panel comment,

*“There was also evidence that his work was of high value to the school.”*

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

In this case, I have placed considerable weight on the panel’s comments concerning the degree of insight or remorse. The panel has this conduct involved a,

*“...sustained pattern of breaching professional boundaries (including some conduct of a sexual nature)...”*

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Phelps has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

In doing so, it has referenced the Advice as follows:

*“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. However, none of the listed characteristics were engaged by the panel’s findings”*

I have considered the panel’s comments,

*“The panel considered that the nature of Mr Phelps’ conduct, involving as it did an inappropriate relationship (with some aspects of a sexual nature) with a [REDACTED] and serious failures in respect of safeguarding regarding that individual, meant that a longer review period than two years was appropriate.”*

The panel has also said that a four year review period *“was both proportionate and required in the public interest.”*

I agree with the panel that a four year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr Benjamin Phelps 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 26 January 2030, four 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 Phelps remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on Mr Phelps

Mr Phelps has a right of appeal to the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Stuart Blomfield**

**Date: 21 January 2026**

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