



Teaching  
Regulation  
Agency

# **Mr Thomas Hayward: Professional conduct panel hearing 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 Thomas Hayward
<b>Teacher ref number:</b>	2457222
<b>Teacher date of birth:</b>	28 November 1986
<b>TRA reference:</b>	21303
<b>Date of determination:</b>	30 January 2026
<b>Former employer:</b>	Build A Future Independent School, Boston

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened from 19 January 2026 to 30 January 2026 by way of a virtual hearing, to consider the case of Mr Thomas Hayward.

The panel members were Mr Terry Hyde (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Rosemary Joyce (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officers for the TRA were Mr Mark Millin from 19 January 2026 and Mr Lee Bridges for 28 and 29 January 2026, both instructed by Kingsley Napley LLP solicitors.

Mr Hayward was not present and was not represented.

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 17 September 2025.

It was alleged that Mr Hayward was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Build a Future (“the School”):

1. Between 28 September 2020 and 28 January 2021, he:
  - a. Engaged in and/or allowed inappropriate behaviour with pupils as set out in Schedule 1;
  - b. Used and/or allowed inappropriate language around and/or about pupils, as set out in Schedule 2;
2. By reason of his conduct at allegations 1a and/or 1b, he did not safeguard the welfare of students.
3. He engaged in the inappropriate conduct as set out in Schedule 3.
4. On or around 27 January 2021, he attended the School with bullets and/or live ammunition in his car.

### Schedule 1

- i. You allowed and/or encouraged play fighting between pupils;
- ii. You participated in play fighting with one or more pupils;
- iii. You lay on top of Pupil B and/or simulated having sex with Pupil B whilst lying on [REDACTED];
- iv. You threw stones at or near pupils;
- v. You encouraged one or more pupils using a dead animal as a ball;
- vi. You put and/or allowed one or more pupils to go up on a cherry picker with no harness;
- vii. You threw and/or allowed the throwing of aerosols on a fire;
- viii. You threw eggs at or near pupils;
- ix. You put stones down one or more pupils’ trousers.

### Schedule 2

- i. You called Pupil F “fat tits”, or words to that effect;
- ii. You referred to and/or allowed other staff to refer to pupils as “fat fucker”, or words to that effect;
- iii. You referred to and/or allowed other staff to refer to pupils as “mong” and/or “mong face”, or words to that effect;
- iv. You allowed Colleague D to call pupils “window lickers” and/or “spastics” and/or “soft cunts”, or words to that effect and/or laughed whilst Colleague D said this;
- v. You called Pupil G “horse fucker” and/or “donkey fucker”, or words to that effect.

### Schedule 3

- i. In or around January 2021, you told Colleague B that you were going to encourage Pupil L to bully Pupil K;
- ii. You threw eggs at Colleague B;
- iii. You used racist language;
- iv. You filled Colleague B’s water bottle with dirt and hung it up so that she could not reach it or allowed this to happen.

The panel noted that in Mr Hayward's email dated 6 March 2023, Mr Hayward stated that he was no longer engaging with the TRA and referred the TRA to his police witness statement and the School’s investigation for his response to the allegations set out above.

## Summary of evidence

### Documents

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

Section 1: Chronology, list of key people and anonymised person list – pages 9 to 13

Section 2: Notice of hearing and response – pages 14 to 46

Section 3: TRA witness statements – pages 47 to 102

Section 4: TRA documents – pages 103 to 1270

Section 5: Teacher documents – pages 1271 to 1312

Service Bundle for Mr Thomas Hayward – pages 1313 to 1357

Service Bundle for [REDACTED] – pages 1358 to 1396

Service Bundle for [REDACTED] – pages 1397 to 1447

Service Bundle for [REDACTED] – pages 1448 to 1498

Application to adduce hearsay – pages 1499 to 1819

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

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

## **Witnesses**

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

Witness A – [REDACTED]

Witness B – [REDACTED]

Witness C – [REDACTED]

Witness D – [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.

On 16 April 2018, Mr Hayward commenced employment as a tutor at the School.

On 28 January 2021, a police investigation commenced as a result of anonymous whistleblowing allegations made against [REDACTED] and Mr Hayward.

On 3 February 2022, Collinson Grant LLP (previously Watershed) was instructed to conduct an independent internal investigation into [REDACTED] and Mr Hayward following the police investigation. Witness A carried out this investigation. Following these investigations, allegations against Mr Hayward came to light, which included that he had allegedly engaged in inappropriate behaviour with pupils, including throwing eggs and stones at pupils and staff, swearing at pupils and calling them names, using racist language, attending School with live ammunition in his car and failing to safeguard pupils.

On 17 November 2022, the matter was referred to TRA.

The panel noted that [REDACTED], [REDACTED] and [REDACTED] were also facing allegations before this professional conduct panel hearing.

## Findings of fact

The findings of fact are as follows:

The panel considered Mr Hayward's email to [REDACTED] of Kingsley Napley, in which he stated that he had been very accommodating during both the police stage of the investigation and the School's internal investigation and that "*[he was] sure that any information collated by those parties can be used to further [their] investigation*". The panel noted that Mr Hayward did not attend to give evidence or submit a formal witness statement in response to these allegations, nor did he provide a formal reply to the TRA regarding the matters raised.

The panel also considered the first police record of interview with Mr Hayward dated 27 January 2021 (the "record of the first police interview"), the second police record of interview with him dated 9 April 2021 (the "record of the second police interview"), the notes of the meeting with Witness A and Mr Hayward on 23 March 2022 ("the independent internal investigation meeting notes") and his prepared note.

The panel considered the written and oral evidence of Witness B, a member of staff at the School, who explained that she began recording the events at the School. The panel noted that Witness B [REDACTED] and that Mr Hayward was arrested and ceased teaching on around 28 January 2021. Accordingly, anything Witness B witnessed occurred during the relevant period.

The panel questioned Witness B in her oral evidence about when and how she made her notes. The panel considered that some of the notes were contemporaneous, having been written on the day of the incident. Witness B's evidence was that she made notes as events occurred, but that some were written at the end of the day, and others were written slightly later. The panel considered the handwritten notes and noted that some were dated and some were not, consistent with her account that some were made immediately and others retrospectively. They also noted that several entries stated '*date not known*', which further indicated that not all notes were written on the day of the incident. The panel were therefore satisfied that they could attach weight to these notes.

The panel also noted that Witness B confirmed in her oral evidence that she started making these notes around the third week of September 2020.

The panel considered that Witness B's written and oral evidence was consistent with her contemporaneous written notes, and her account accorded with other witness evidence which the panel attached weight to.

The panel considered Witness B to be a credible witness.

The panel considered the written evidence of Witness D, who explained that she had also begun collecting evidence in preparation for providing a statement to the police, and that she had recorded this during the week she was invited to give a statement to the police. The panel noted that, in her oral evidence, Witness D was not clear about whom she had collated the evidence for, and this was prepared during the relevant period (January 2021). The panel considered that, given the passage of time, it was likely that she experienced some minor difficulty recalling precisely when in 2021 she had collated this material.

The panel noted that Witness D [REDACTED] and that Mr Hayward was arrested and ceased teaching on around 28 January 2021. Accordingly, anything Witness D witnessed occurred during the relevant period.

The panel also considered Witness D to be a credible witness.

The panel attached greater weight to the evidence recorded contemporaneously with the incidents, including Witness B's and Witness D's contemporaneous notes.

The panel found the following particulars of the allegations against you proved, for these reasons:

### **Whilst working as a teacher at Build a Future (“the School”):**

#### **1. Between 28 September 2020 and 28 January 2021, you:**

- a. Engaged in and/or allowed inappropriate behaviour with pupils as set out in Schedule 1;**

#### **Schedule 1**

- i. You allowed and/or encouraged play fighting between pupils; ii. You participated in play fighting with one or more pupils;**

Mr Hayward was recorded denying the facts set out in allegation 1(a) Schedule 1 (i) in the record of the first police interview.

The panel had sight of Pupil E's interview transcript with the police, in which [REDACTED] stated that Mr Hayward participated in the water fights. Pupil E said that on one occasion, [REDACTED] tried to “*tackle*” Mr Hayward, and Mr Hayward kicked the back of Pupil E's leg, and then Pupil E fell. Pupil E stated that Mr Hayward did this to a lot of the pupils.

The panel considered the written and oral evidence of Witness D, who stated that Mr Hayward used to play fight and wrestle with pupils. Witness D stated that Mr Hayward

had a play fight with a pupil outside the kitchen near the astroturf, and Mr Hayward had another play fight with a pupil outside Mr Hayward's classroom on the gravel. Witness D said that the pupils found it "funny" and cheered. Witness D commented that the fights "were not aggressive but playful".

The panel considered Witness B's handwritten notes dated 6 November 2020, in which she stated that on that day, there was a bonfire for the pupils, which took place outside of Mr Hayward's construction room. Witness B stated that [REDACTED] had said, "let the boys have a fight", to Mr Hayward. Witness B stated that Mr Hayward drew a ring in the gravel around 6 feet away from the bonfire. Witness B stated that flammables were being thrown into the bonfire. Witness B stated that the pupils were "throwing each other down", and some of the pupils were bleeding and hurt. Witness B stated that whilst the pupils were fighting, Mr Hayward put stones down the pupils' trousers. The panel noted that this entry began "today I..." which was consistent with this being written on the same day.

Witness B's written evidence further stated that one of the pupils approached Individual E and said they wanted to leave. Witness B stated that "the pupil was hurt; [REDACTED] had blood on [REDACTED] knuckles and grazes on the bottom of [REDACTED] back". Witness B stated that Individual E then took the pupil away. Witness B stated that she believed the pupil to be Pupil G. Witness B said that [REDACTED], Individual B and Individual M "were laughing at this and encouraging this behaviour".

The panel had sight of the police witness statement of Individual A, who was a teacher at the School, dated 17 February 2021. Individual A police witness statement recorded that one afternoon, [REDACTED], Mr Hayward and two other colleagues picked out which pupils to fight against each other and allowed them to fight.

The panel had sight of the police witness statement of Witness 5, who used to work for the School, dated 10 February 2021. Witness 5's police witness statement recorded that there was sometimes physical interaction between staff and students, mostly whilst playing sports or during "legitimate restraint" of students. Witness 5 further stated that there were occasions where [REDACTED], [REDACTED] and Mr Hayward would play fight with the pupils and that the playfighting stopped when the students wanted it to. The panel noted that they did not know who Witness 5 was and therefore placed limited weight on this evidence. However, they observed that it supported the contemporaneous evidence, as well as the oral evidence given by Witness B.

The panel had sight of the police witness statement of Witness 13, who was a [REDACTED] teacher [REDACTED] at the School, dated 10 February 2021. In Witness 13's statement, Witness 13 stated that the extent of the playfighting "did not seem appropriate". Witness 13 further stated that [REDACTED] and Mr Hayward

“*provoked*” the pupils into fighting when they were on good behaviour and were calm. The panel noted that they did not know who Witness 13 was and therefore placed limited weight on this evidence. The panel noted that Witness 13 attended the School for a [REDACTED] and, therefore, was not at the School during the relevant time. However, they observed that it supported the contemporaneous evidence on the culture of the School.

The panel also had sight of Witness 17’s police witness statement dated 8 February 2021, in which they stated that [REDACTED], [REDACTED] and Mr Hayward were involved with play fighting and “*playful wrestling*” between the pupils. Witness 17 said that the pupils sometimes initiated the playfighting themselves, and the pupils “*appeared to enjoy it*”. The panel noted that they did not know who Witness 17 was and therefore placed limited weight on this evidence. However, they observed that it supported the contemporaneous evidence, as well as the oral evidence given by Witness B.

The panel then considered the record of the first police interview, which recorded Mr Hayward stating that some of the [REDACTED] pupils liked to playfight with him and that it was “*a normal Friday afternoon activity*”. Mr Hayward stated that it often started with pupils getting him in a headlock whilst he was working with another pupil. Mr Hayward had stated that the pupils had tried to trip Mr Hayward with a rounders’ stick, slapped Mr Hayward on the back of his head, and thrown things at him. Mr Hayward stated he had sustained minor injuries, such as a cut on his nose, but no one else was hurt. Mr Hayward had also stated in the police interview that he got a bruise on his leg from a cricket wicket the week before.

Mr Hayward, in his police interview transcript, stated that on more than one occasion, the pupils shouted out “*wrestling moves*”, the pupils had “*slamm[ed]*” Mr Hayward with a chair and “*air-kick[ed]*” above Mr Hayward’s chest whilst he had been on the floor.

Mr Hayward, in his police interview transcript, further stated that on more than one occasion, the School carried out “*tug-of-war matches*” and that the pupils had initiated “*playfighting wrestling matches*” themselves. Mr Hayward had stated that on more than one occasion, the pupils fall-out with each other the day before. Mr Hayward had stated that there was at least one occasion where the pupils had put boxing mitts on.

The panel then considered Mr Hayward’s written statement to the police dated 9 April 2021, which recorded him stating that playfighting was “*a mild grapple*” and that there were no punches or kicks. Mr Hayward had stated that it was “*never violent*”. Mr Hayward further stated that the School’s leadership were aware, that they “*actively encouraged*” the activity and “*regularly participated*”.

The panel then considered the police interview transcript of [REDACTED], dated 27 January 2021, in which he was recorded as stating that the [REDACTED] pupils had not been encouraged to fight each other. [REDACTED] had also stated that he had not put

the pupils in a position where they had to fight each other. [REDACTED] had stated that when there was a physical altercation between pupils, he had used forms of intervention such as “*de-escalation, humour, banter or escape and isolate*”.

The panel noted that, in his evidence, Individual B stated there was never any playfighting between pupils.

The panel also considered the police interview transcript of [REDACTED] dated 27 January 2021, which recorded that [REDACTED] was reminded that he had stated that the pupils “*hardly ever fought*”. [REDACTED] had further stated that “ninety-nine percent of the time” the fights had been “*pathetic pushing*” and mostly during sports or a minor altercation between pupils.

The panel further considered the meeting notes for the meeting held by Witness A and attended by Individual C on 20 April 2022 as part of the independent internal investigation. The panel noted that he responded “*no*” when asked if he had seen any physical altercations at the School. The panel considered that his statement may simply indicate that he did not personally witness any playfighting, and that his absence of observation is not evidence that it did not occur.

The panel further considered the meeting notes for the meeting held by Witness A and attended by Witness C on 17 June 2022 as part of the independent internal investigation. The panel noted that she stated that they did not “*allow play fighting at all in schools as its dangerous and can get out of hand*”. The panel considered that her statement may simply indicate that she did not personally witness any playfighting, and that her absence of observation is not evidence that it did not occur.

The panel were satisfied that the direct evidence they had heard, together with the corroborative hearsay evidence, much of which had been taken by the police in sworn statements, and the contemporaneous note written at the time, supported the findings that Mr Hayward had allowed and encouraged play-fighting between 28 September 2020 and 28 January 2021.

The panel noted in particular Witness B’s evidence that circles had been drawn for the pupils to do so, rather than this being a passive observation.

The panel found, on the balance of probabilities, that Mr Hayward not only allowed playfighting to occur but also engaged in it and participated. The panel found the act of engaging in and allowing pupils to playfight amongst themselves to be inappropriate behaviour.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (i) and (ii) proven.

**iii. You lay on top of Pupil B and/or simulated having sex with Pupil B whilst lying on him;**

Mr Hayward made no admissions in relation to allegation 1, Schedule 1, paragraph (iii).

The panel considered Witness B's handwritten notes and noted there was a reference to Mr Hayward lying on top of boys and pretending to have sex with them.

The panel considered the written and oral evidence of Witness B, who stated that she saw Mr Hayward "*lying on a student, moving his body up and down, simulating having sex*". Witness B further stated that Mr Hayward also pulled Pupil B's ears and stood on Pupil B's toes. Witness B stated that Individual A, [REDACTED] and [REDACTED] were present at this time. Witness B stated that [REDACTED] and [REDACTED] were present at the time and "*did not discourage [Mr Hayward's] behaviour*" and "*found it funny*". The panel noted that Witness B stated that she wrote a note of this incident on the same day.

The panel found Witness B a reliable witness.

The panel considered Witness B's statement to the police dated 11 February 2021, which did not record this alleged incident. However, the panel accepted that police statements often follow police-led questioning, and that Witness B had stated she provided her own notes of concerns, which did refer to this incident, even if the full details were not recorded in the police statement.

The panel considered Mr Hayward's written statement to the police dated 17 January 2021, in which he stated that he had occasionally been involved in "*pile-ons*" at School with both staff and students.

The panel considered the statement of [REDACTED] dated 23 July 2024. In that statement, he explained that "*how learners interact with each other would differ and change at the drop of a hat. They would argue, bicker, physically fight, torment, and throw objects and furniture at each other just to name a few.*" In response to the allegation that he permitted other staff members to lie on top of learners, [REDACTED] stated that this was not "*something [he] had ever witnessed whilst employed at the school*". He wrote that learners would often become over-excited during playfighting and had, on occasion, "*piled on one another so to speak*". However, he stated that he had never witnessed a staff member being involved in such conduct. He confirmed that, had he observed such behaviour by staff, he would have reported it to the School's designated safeguarding lead.

The panel noted that Witness 8, an employee of the School, in their police witness statement said that [REDACTED], [REDACTED] and Mr Hayward "*pile[d]*" on top of a child on more than one occasion. Witness 8 further commented that sometimes the pupil got hurt and that it went "*too far*". The panel noted that they did not know who Witness 8 was and therefore placed limited weight on this evidence. However, they observed that it supported Witness B's evidence.

The panel had sight of the police witness statement of Witness 11, a pupil at the School, dated 12 February 2021. Witness 11, in their police witness statement, explained that the number of staff and pupils present at the time determined how many people then “*piled*” on a pupil. Witness 11 stated that when the pupils said this was hurting them or asked the teachers to get off them, the teachers called the pupils “*childish*” or told them to “*grow a pair*”. The panel noted that they did not know who Witness 11 was and therefore placed limited weight on this evidence. However, they observed that it supported the evidence given by Witness B.

The panel went on to the police interview transcript of Mr Hayward, dated 27 January 2021, which recorded Mr Hayward stating that he did not grab any pupil by the ears or pull them to the floor, nor had he stood on a pupil’s foot. Mr Hayward, in the interview transcript, had stated that this may have happened whilst playfighting. The panel further noted that [REDACTED] was recorded as stating that he would “*immediately*” intervene, ask to speak with the teacher if he saw a teacher acting inappropriately towards a pupil, and report that teacher.

The panel considered the police interview transcript of [REDACTED] dated 27 January 2021, which recorded that, when asked whether she had ever seen any staff do anything to the children, [REDACTED] responded, “*no*”.

The panel further noted that Mr Hayward admitted to lying on pupils during at least one “*pile on*”, and that the evidence of Witness B, supported by other witnesses, indicated that this occurred with Pupil B.

On the balance of probabilities, the panel found that Mr Hayward had lain on top of Pupil B and simulated having sex with Pupil B whilst lying on [REDACTED]. The panel found this behaviour inappropriate.

The panel, therefore, found allegation 1(a), Schedule 1 paragraph (iii) proven.

#### **iv. You threw stones at or near pupils;**

The independent internal investigation meeting notes, recorded Mr Hayward denying the facts set out in allegation 1(a) Schedule 1, paragraph (iv).

The panel had sight of the transcript of Pupil E’s interview with the police which took place on 17 February 2021. In the interview, Pupil E said that there was “*banter*” at the School with “*things been thrown*” at pupils.

The panel considered Witness B’s handwritten notes dated 25 November 2020 in which she stated that [REDACTED], [REDACTED], Mr Hayward and Individual B were throwing stones and eggs at the pupils and called them “*window lickers*”, “*spastics*” and “*soft cunts*”.

The panel had sight of a police witness statement of Witness 6, who worked for the School, dated 16 February 2021. Witness 6 stated that on one occasion, she saw [REDACTED] staff members throwing “rocks” at the pupils. Witness 6 further stated that there was one occasion where a pupil was trapped in a corner whilst staff members and other pupils “pelted” [REDACTED] with stones, causing [REDACTED] to be “cowering”.

The panel then considered the written and oral evidence of Witness D, who stated that on more than one occasion, she saw [REDACTED], [REDACTED] and Mr Hayward take part in a game with students where the pupils stood in a circle, took it in turns to throw stones up in the air and then duck. The panel noted that Witness 17’s evidence within their police statement was consistent with this. Witness D stated that on one occasion, [REDACTED] put stones in Witness D’s hand and said, “*now you are involved*”. Witness D stated that she dropped the stones and walked away. The panel considered the oral evidence of Witness D, who explained that the game was similar to a game from TikTok.

Witness D stated that there was another occasion where the pupils were “*running along the dyke with [REDACTED], [REDACTED] and Mr Hayward throwing stones at the pupils*”.

The panel noted that the transcript of [REDACTED] interview with the police, dated 24 March 2021, appeared to be consistent with [REDACTED] police interview transcript in that there was a game where pupils threw stones to hit a helmet and cup.

The panel then considered the police interview transcript of Mr Hayward, dated 27 January 2021, which recorded Mr Hayward stating that a game took place at the bottom end of the school between the pupils, during which they would throw stones into the air, and that everybody would stand still underneath it. Mr Hayward had stated that the staff who were present had been “*giggling*”. In Mr Hayward’s written statement to the police dated 9 April 2021, Mr Hayward stated that [REDACTED] was often present.

The panel had sight of Individual A’s police witness statement, in which she explained that [REDACTED]. Individual A stated that on her first day, after lunch, she saw pupils throwing stones at each other. Individual A stated that she also saw [REDACTED], Mr Hayward and another [REDACTED] staff member were “*picking big stones up and throwing them towards the [pupils]*.” Individual A stated that she and another colleague asked the three [REDACTED] staff members why they were throwing stones, and they responded that the pupils “*needed it*” and “*needed the release*”. Individual A stated that she then asked what would happen if a stone hit a pupil on the head and was told “*what happens in BAF stays in BAF*”.

The panel considered the notes of the meeting held by Witness A and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that he was not aware of a game in which gravel was thrown into the air, and pupils tried to “*escape*”.

Individual A stated that on 12 November 2020, she was conducting a science experiment with some of the pupils in the class. Individual A stated that the other pupils stayed with Mr Hayward, [REDACTED] and another person. Individual A stated that within the group of three teachers and other pupils, a breezeblock wall about 6ft 4 inches high was built with the School's embankment behind the wall. Individual A stated that a plank of wood about 20cm wide was placed from the blocks to the embankment. Individual A stated that [REDACTED] and Mr Hayward made two pupils walk the plank to the breezeblocks, balance on one leg, jump off, and walk back. Individual A stated that [REDACTED] made one pupil stand on the end and that [REDACTED] and Mr Hayward launched stones at pupils. Individual A stated that one pupil fell off and landed on a breezeblock, landing on [REDACTED] right thigh. Individual A stated that she then asked how that pupil was and stated that the other pupils "*were all in hysterics*".

Individual A explained that at the end of term, near Christmas, a dumper truck and a cherry picker were on the School's site. Individual A stated that [REDACTED], Mr Hayward and [REDACTED] permitted the pupils to go on the cherry picker without helmets or harnesses and raised the cherry picker "*as high as they could*". Individual A stated that they then got on the roof and [REDACTED], Mr Hayward and [REDACTED] threw stones, eggs and tomatoes at the children.

The panel also considered the notes of the independent internal investigation meeting, which recorded Mr Hayward stating that five or six staff members were present when he and a pupil went up into the cherry picker as part of the School's nativity. Mr Hayward had also stated that there was a video of this.

The panel had sight of Witness 16's police witness statement dated 9 February 2021, where they stated that, on one occasion, [REDACTED], Mr Hayward and [REDACTED] threw stones at the pupils and Mr Hayward pulled the trousers of one of the pupils and put stones in them.

The panel then considered [REDACTED] police interview transcript dated 27 January 2021, which recorded him stating that there were occasions when pupils were upset whilst outside, when they grabbed stones and threw them at windows, and that staff had to intervene.

Based on the contemporaneous notes, oral evidence, and numerous statements, the panel found, on the balance of probabilities, that Mr Hayward engaged in (by participating in the throwing of stones) and allowed others to throw stones at pupils and near pupils. The panel also considered that this was inappropriate behaviour.

The panel, therefore, found allegation 1(a), Schedule 1 paragraph (iv) proven.

**v. You encouraged one or more pupils using a dead animal as a ball;**

Mr Hayward was recorded denying allegation 1(a) Schedule 1 paragraph (v) in his written statement to the police dated 9 April 2021.

The panel had sight of Individual A's police statement, in which she stated that, on one occasion, there was a school trip during which the teachers and pupils walked from West Ashby to Woodhall Spa. Individual A stated that there was a pheasant with a bad leg that could not walk. Individual A had stated that Mr Hayward carried the pheasant and put it in a hut outside. Individual A stated that Mr Hayward said that "*he was going to kill it and he let the kids do it with planks of wood*". Individual A stated that Mr Hayward "*bat*" the pheasant around the carpentry block of the School. Individual A stated that she also saw Mr Hayward "*bat*" other male chickens.

Individual A's police statement further recorded her as stating that Mr Hayward, [REDACTED], and another person allowed two pupils to build huts for two male chickens. Individual A stated that on one day, when the chickens were about three months old, Mr Hayward snapped the chickens' necks and said, "*male chickens were no good*". Individual A stated that there was blood everywhere and that pupils and other staff were in the room.

The panel considered Witness B's handwritten notes dated 17 November 2020, which stated that, on that day, Mr Hayward brought a dead pheasant to the School and a pupil with a bat hit the dead pheasant "*like a ball*". Witness B's evidence was that [REDACTED], Individual B and Mr Hayward encouraged the pupil and did not stop the pupil from doing so.

The panel then considered Witness B's handwritten notes dated 20 November 2020, which stated that she believed that the pupils watched as Mr Hayward killed some of the baby chickens and a baby cockerel. Witness B in her written and oral evidence stated that she observed from the kitchen patio doors, she saw [REDACTED], Individual B and Mr Hayward encouraging the [REDACTED] pupils to go out of Lab House to "*play bat and ball*" with the dead baby cockerel. She stated that the three [REDACTED] teachers "*cheered*" while the [REDACTED] pupils hit the dead bird.

The panel went on to consider [REDACTED] written statement to the police dated 24 March 2021, in which he was recorded as stating that on one occasion, a member of staff brought a dead pheasant to the School to teach the pupils biology. [REDACTED] stated that the pupils observed the dissection of the pheasant.

[REDACTED] also stated, in his meeting with Witness A on 24 March 2022, that two pupils were present during the biology lesson. [REDACTED] also stated that on a separate occasion, a chick was killed and that no pupils were present. [REDACTED] stated that in a debrief, the staff discussed that one of the chicks was ill and "*needed to be put down*". [REDACTED] stated that Mr Hayward said that he would "*deal with it*" when everyone had gone.

The panel considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022, which recorded Mr Hayward stating that on one occasion, the pupils were on a walk with Mr Hayward and they came across a pheasant. Mr Hayward stated that they had taken the pheasant back to the School, that the pheasant “*was in a mess, it couldn’t stand up and its head was drooping*” and that he killed the pheasant when the pupils left. Mr Hayward stated that some days later, the pupils found the pheasant filled with maggots, and then Mr Hayward threw the pheasant over the fence.

Mr Hayward, in the meeting notes, said that the School also had two cockerels and a chick. Mr Hayward stated that the cockerels fought with each other and that he then killed them. Mr Hayward stated that he believed the pupils were not present.

Although Mr Hayward denied encouraging one or more pupils to use a dead animal as a ball, the panel, relying on the contemporaneous notes and the evidence of Witness B, found that he did so. The panel considered Witness B to be a credible and consistent witness who gave clear oral evidence on this matter.

Accordingly, the panel found that Mr Hayward did encourage one or more pupils to use a dead animal as a ball, and that this conduct was inappropriate. The panel noted the date of Witness B’s handwritten note and concluded that the incident occurred between 28 September 2020 and 28 January 2021.

The panel, therefore, found allegation 1(a), Schedule 1 paragraph (v) proven.

**vi. You put and/or allowed one or more pupils to go up on a cherry picker with no harness;**

Mr Hayward made no admissions in relation to allegation 1(a), Schedule 1, paragraph (vi).

The panel had sight of Individual A police statement which stated that at the end of term near Christmas, there was a dumper truck and a cherry picker on the School’s site. Individual A stated that Mr Hayward, [REDACTED], and [REDACTED] permitted the pupils to go on the cherry picker without helmets or harnesses and raised the cherry picker “*as high as they could*”. Individual A commented that Mr Hayward “*thought it was a fun thing to do*”. Individual A stated that the pupils then got on the roof and Mr Hayward, [REDACTED] and [REDACTED] threw stones, eggs and tomatoes at the pupils.

The panel then considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022, which recorded Mr Hayward stating that five or six staff members were present when he and a pupil went up into the cherry picker as part of the School’s nativity. Mr Hayward had also stated that there was a video of this.

The panel noted that, in her written statement, Witness B stated: “*On 11 December 2020, the cherry picker was not working, so Mr Hayward, Individual P and some pupils were*

*attempting to get it working again. [She recalled] recall that they put one of the pupils onto the cherry picker with Mr Hayward.... [She] made a note of this incident on the day it occurred and produce this note."*

The panel further noted that, in the same statement, Witness B stated: *"I can recall that Thomas Hayward was definitely there, but I cannot recall anyone else."* She also confirmed that he was not wearing a harness and that no risk assessment had been completed.

The panel further observed that Witness B's handwritten note referred to an absence of a safety harness.

The panel also considered the undated statement of [REDACTED], in which he wrote that ongoing building work was taking place at one of the School sites and that both a cherry picker and a digger were on hire. He explained that one of the teachers had over 20 years' experience in the construction industry, and the machinery had been used to teach learners about this equipment while on site. [REDACTED] stated that these lessons were always supervised and that risk assessments had been carried out to ensure it was safe for learners to be in proximity to the machinery.

The panel noted that Mr Hayward admitted going up in the cherry picker with a student. He said there were *"no risks"* because the machine was *"good solid kit"* and was fitted with a siren, *"so if it did start losing its balance it would cut out and we'd have to retract it because it wouldn't do anything else"*. He made no mention of a harness. He also referred to taking a pupil up in the cherry picker to act as the *"star of the North"* in relation to the School's nativity.

The panel considered the record of the second police interview with Mr Hayward when he stated that *"the use of the digger and cherry picker by the students under supervision was authorised by the headmaster and other members of the leadership team"*.

In the interview of [REDACTED] conducted by Witness A on 24 March 2022, the panel noted that when he was asked whether he recalled children being allowed in the cherry picker at a considerable height and in a dangerous manner, he replied, *"unfortunately, yes"*. He stated that Mr Hayward had shown a very small number of pupils how each machine worked. There was no reference to any harness.

The panel considered the police witness statement of Individual A of 17 February 2021, in which it was recorded that she said that there was a video of Mr Hayward *"going high up"* and dancing around for the nativity. It is recorded that Individual A stated that they would *"let the kids take it as high as they could, no helmets or harnesses"*.

The panel found, on the balance of probabilities, that Mr Hayward did place and allow one or more pupils onto a cherry picker without the use of a safety harness. The panel

considered this behaviour inappropriate and fell below the standards expected of a teacher.

The panel found this to be inappropriate conduct. Regardless of whether the activity was undertaken for educational or demonstrative purposes, such as completing a risk assessment or explaining safe working practices, strict health and safety requirements apply to anyone working at height.

The panel, therefore, found allegation 1(a), Schedule 1 paragraph (vi) proven.

**vii. You threw and/or allowed the throwing of aerosols on a fire;**

Mr Hayward made no admission in relation to allegation 1(a), Schedule 1, paragraph vii.

The panel considered Witness B's handwritten notes and evidence that there was a bonfire on 6 November 2020. Witness B's evidence was that Mr Hayward threw aerosol cans into the bonfire, and the cans exploded. Witness B stated that Mr Hayward "*got the pupils to throw [the cans] in*". The panel noted that Witness 16's evidence in their police statement appeared to be consistent with Witness B's evidence.

The panel also considered Witness D's written and oral evidence. Witness D stated that aerosols were thrown into fires by [REDACTED], Individual B, and Mr Hayward. Witness D said that fires were lit daily, typically either at the back of the School or in the courtyard between the office and the first building. Witness D explained that the pupils were searched for aerosols on arrival at the School, but the School kept aerosols in the office cupboard for students who got sweaty, and she did not see any teacher give an aerosol to pupils.

The panel also considered Witness D's oral evidence that [REDACTED] thought it was fun to hear the aerosol cans explode on the fire.

Witness D stated in her witness statement that on one occasion, a fire was lit and a long tube was inserted into it. Witness D said that teachers dropped aerosols into the tube, and that [REDACTED], [REDACTED], or Mr Hayward was present. Witness D stated that she believed that all three of them were "*definitely*" there. Witness D stated that she was not certain whether [REDACTED] put aerosols in the fire on this occasion. Witness D stated that "*the aerosol popped and shot out from the tube, with everyone running away from it*".

As set out above, the panel had sight of Individual A's police witness statement. Individual A's statement set out that staff members would allow pupils to throw "*WD40 cans*" into fires.

The panel considered Mr Hayward's written statement to the police dated 9 April 2021, which recorded Mr Hayward stating that he had seen [REDACTED] sending various staff

members to buy aerosols to throw on the fire. Mr Hayward further stated that the leadership team and [REDACTED] encouraged fires to keep pupils warm whilst outside during COVID.

The panel then considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022. Mr Hayward stated that the fires occurred regularly, that [REDACTED] “brought in” aerosols and sent a member of staff to buy them, and that the carrier bag was to be used to throw them into the fire. Mr Hayward’s written statement also stated that the school’s leadership encouraged this activity and regularly participated in it.

The panel went on to consider the meeting notes of a meeting held by Witness A and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that the School started to have rats when rubbish was not collected due to the pandemic during the first lockdown (not during the relevant period). [REDACTED] stated that the rubbish was sorted into what was safe to burn, and that the staff built a fire pit with the help of the pupils. [REDACTED] stated that paper and cardboard were thrown into the fire. [REDACTED] further stated that the pupils were at least 20 feet from the fire.

[REDACTED], in the meeting notes, stated that a few weeks later, he burnt two bags of rubbish which contained WD40 cans. [REDACTED] had stated that there were no pupils around.

The panel had sight of Witness 3’s police statement, which recorded Witness 3 stating that on one occasion, Mr Hayward and [REDACTED] were present at a bonfire which took place at the School. Witness 3 stated that Mr Hayward and [REDACTED] stood around the fire with some of the pupils and “*openly encouraged*” the pupils to “*throw spent gas cannisters onto the fire*”.

The panel considered Mr Hayward’s written statement to the police dated 9 April 2021 which recorded Mr Hayward stating that the leadership team and [REDACTED] encouraged fires to keep the pupils who were outside warm during COVID.

The panel then considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022 which recorded Mr Hayward stating that there were regular fires at the School. Mr Hayward further stated that [REDACTED] sent a member of staff to buy aerosols and that the carrier bag was to be used to throw in the fire. The meeting notes recorded the interview asking “*I thought you said you weren’t involved in fires?*” Mr Hayward then stated that on more than one occasion, he lit the fire and that rubbish from his workshop was burnt.

Having considered all the evidence, the panel found, on the balance of probabilities, that Mr Hayward both threw and allowed others to throw aerosols onto the fire.

The panel considered this behaviour inappropriate, as it was inherently unsafe. Mr Hayward should have been able to identify the obvious health and safety risks associated with throwing, or allowing others to throw, aerosols onto a fire.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (vii) proven.

**viii. You threw eggs at or near pupils;**

The panel reminded themselves of the evidence which they had found proven in connection with Schedule 1 point (iv) above.

The panel had sight of the transcript of Pupil E's interview with the police which took place on 17 February 2021. In the interview, Pupil E said that there was "*banter*" at the School with "*things been thrown*" at pupils. Pupil E said there were also water fights at the School.

The panel also had sight of the transcript of Child Witness 2's interview with the police which took place on 17 February 2021. Child Witness 2 stated that eggs were thrown at them whilst they were at the School.

The panel again considered Witness B's handwritten notes dated 25 November 2020 which stated that [REDACTED], [REDACTED], Mr Hayward and Individual B threw stones and eggs at the pupils and [REDACTED] called them "*window lickers*", "*spastics*" and "*soft cunts*" whilst doing so.

The panel had sight of Individual A's police witness statement in which she stated that at the end of term, near Christmas, [REDACTED], Mr Hayward and [REDACTED] permitted the pupils to go on the cherry picker without helmets or harnesses and raised the cherry picker "*as high as they could*". Individual A stated that when the pupils reached the roof, [REDACTED], Mr Hayward and [REDACTED] threw stones, eggs and tomatoes at them.

Individual A further stated that on another occasion, some time before Christmas, she saw a pupil covered in egg. Individual A stated that the pupil said that "*[REDACTED] teachers were chasing [REDACTED]; [Mr Hayward], [REDACTED] and [another person] were involved.*"

The panel noted that Witness 8's police witness statement said that during the first COVID-19 lockdown in 2020, there were "*constant water fights and egg fights between staff and children*". Witness 8 commented that the pupils "*enjoyed it some of the time*" and that "*sometimes it went too far*". The panel noted that this was outside of the relevant period but this supported that there was a culture of egg fights between staff and children at the School.

The panel considered the police interview transcript of [REDACTED] dated 27 January 2021 which recorded him stating that he had not seen another staff member throw eggs at the pupils. In the transcript of [REDACTED] police interview on 24 March 2021,

[REDACTED] stated that the pupils started the egg fights. [REDACTED] had stated that some of the pupils stole eggs from the kitchen. [REDACTED] also stated that he had created a game for the pupils to see who could throw eggs.

The panel then considered the first police interview transcript of Mr Hayward, in which he stated that on one occasion, two [REDACTED] pupils asked the kitchen staff for eggs to throw at staff. Further he stated that there had been egg throwing throughout the School and submitted that the staff and pupils had “*a good time*”. Mr Hayward’s first police interview transcript recorded Mr Hayward stating that there was “*nothing malicious about that situation*”. Mr Hayward, in his police interview, also stated that on more than one occasion, there had been water and egg fights initiated by the pupils, with “*everyone*” joining in.

Mr Hayward had stated that pupils had the option to not participate in the water or egg fights and go to a classroom where Mr Hayward and Witness 17 conducted other activities with the pupils. Mr Hayward had stated that the fights were “*playful*”.

The panel considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022, which recorded Mr Hayward stating that there had been fights at the School and that eggs had been thrown at the walls. Mr Hayward stated that the eggs and stone throwing were “*probably a daily occurrence*” and that [REDACTED] was aware and participated.

The panel considered [REDACTED] police interview transcript dated 27 January 2021, which recorded him stating that he could not recall any time when a member of staff had thrown an egg at pupils.

The panel further considered the police interview transcript of [REDACTED] dated 27 January 2021, which recorded him stating that he had not seen another staff member throw eggs at the pupils.

Having considered all the evidence, the panel found, on the balance of probabilities, that Mr Hayward threw eggs at or near pupils on one or more occasions. In reaching this conclusion, the panel placed weight on the contemporaneous handwritten note of Witness B and the overall consistency of the written and oral witness evidence.

The panel also considered this behaviour to be inappropriate.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (viii) proven.

**ix. You put stones down one or more pupils’ trousers.**

Mr Hayward was recorded denying allegation 1(a) Schedule 1 paragraph (ix) in his written statement to the police dated 9 April 2021.

The panel considered Witness B's handwritten notes dated 6 November 2020, in which she stated that on that day, there was a bonfire for the pupils, which took place outside of Mr Hayward's construction room. Witness B stated that [REDACTED] had said, "*let the boys have a fight*", to Mr Hayward. Witness B stated that Mr Hayward drew a ring in the gravel around 6 feet away from the bonfire. Witness B stated that flammables were being thrown into the bonfire. Witness B stated that the pupils were "*throwing each other down*", and some of the pupils were bleeding and hurt. Witness B stated that whilst the pupils were fighting, Mr Hayward put stones down the pupils' trousers. The panel noted that this entry began "*today I...*" which was consistent with this being written on the same day.

Witness B's written evidence further stated that one of the pupils approached Individual E and said they wanted to leave. Witness B stated that "*the pupil was hurt; [REDACTED] had blood on [REDACTED] knuckles and grazes on the bottom of [REDACTED] back*". Witness B stated that Individual E then took the pupil away. Witness B stated that she believed the pupil to be Pupil G. Witness B said that [REDACTED], Individual B and Individual M "*were laughing at this and encouraging this behaviour*".

The panel had sight of Witness 16's, an employee at the School, police witness statement dated 9 February 2021, where they stated that, on one occasion, [REDACTED], Mr Hayward and [REDACTED] threw stones at the pupils and Mr Hayward pulled the trousers of one of the pupils and put stones in them.

Having considered all the evidence, the panel found, on the balance of probabilities, that Mr Hayward put stones down one or more pupils' trousers. The panel also considered this behaviour to be inappropriate.

The panel, therefore, found allegations 1(a), Schedule 1 paragraph (ix) proven.

**b. Used and/or allowed inappropriate language around and/or about pupils, as set out in Schedule 2;**

Mr Hayward was recorded denying swearing or saying derogatory terms in front of pupils in his first police interview transcript.

In relation to allegation 1(b) generally, the panel considered Witness B's written and oral evidence where she explained that [REDACTED], Mr Hayward, Individual B and Individual N usually greeted the pupils in the morning when the pupils got out of their taxis. Witness B's evidence was that all four called the pupils names and laughed at the names being used.

The panel had sight of Witness 8's police witness statement where the witness stated that [REDACTED] and Mr Hayward often said "*derogatory things*" to the pupils and that there was a lot of "*banter*".

The panel had sight of Witness 11's police witness statement where Witness 11 said that the staff use swear words towards the pupils "*quite often*".

The panel had sight of [REDACTED] police interview transcript dated 24 March 2021 which recorded him stating that he never heard any derogatory comments made in relation to pupils at the School.

The panel considered the police interview transcript of Mr Hayward dated 27 January 2021 which recorded Mr Hayward stating that he had not "*joked*" or "*mocked*" a pupil about the way they looked or dressed.

## **Schedule 2**

### **i. You called Pupil F "fat tits", or words to that effect;**

Mr Hayward was recorded denying swearing or saying derogatory terms in front of pupils in his first police interview.

The panel then considered Witness B's handwritten notes, which listed the names the children were called by "[REDACTED]" members of staff at the School. The panel noted that "*fat tits*" was one of the names; however, there was no reference to Pupil F or Mr Hayward.

The panel considered another of Witness B's handwritten notes which stated that when children were getting out of their taxi's in the morning there was normally, [REDACTED], Mr Hayward, Individual B and Individual N. She wrote that the children get called names and the adults just laugh and take the "*mick*" out of them.

The panel considered Witness B's written and oral evidence that [REDACTED], Mr Hayward and [REDACTED] called Pupil F "*fat tits*" to his face and explained that this was their nickname for Pupil F. Witness B further explained that Pupil F used to ask Witness B for seconds for lunch. Witness B stated that [REDACTED] said to Pupil F, "*you aren't allowed, you are a fat bastard*". Witness B also stated that [REDACTED] told her, "*fat pupils do not get seconds after lunch*".

The panel considered Mr Hayward's written statement to the police dated 9 April 2021 which recorded him stating that there was a pupil who referred to [REDACTED] as "*fatty*" when "*taking the mick*" out of [REDACTED]. Mr Hayward had stated that he would "*join in with [REDACTED]*" and Mr Hayward and that pupil would "*take the mick out of each other*".

The panel considered the notes of the meeting with Witness A attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that all inappropriate comments were challenged appropriately.

The panel also noted that in her meeting notes dated 20 April 2022, Individual D stated that she did not hear the phrase “*fat tits*”. However, the panel considered the fact that she did not hear it does not mean that it was not said.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward did make the alleged comment “*fat tits*” about Pupil F.

The panel found this behaviour was inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (i) proven.

**ii. You referred to and/or allowed other staff to refer to pupils as “fat fucker”, or words to that effect;**

Mr Hayward was recorded denying swearing or saying derogatory terms in front of pupils in his first police interview transcript.

The panel considered the written and oral evidence of Witness D. Witness D stated that on one occasion, [REDACTED] and Mr Hayward called pupils “*fat fucker*” and “*mong*”.

The panel had sight of Individual A’s police investigation witness statement which recorded her as having said that [REDACTED] and Mr Hayward told pupils that they could not have anything to eat on multiple occasions and called the pupils “*fat cunts*”, “*special fuckers*” and that “[*their*] parents [*were*] neglecting them because of how fat they are and not let them have seconds”. Individual A stated that there was a pupil who was refused food and that [REDACTED] and Mr Hayward called [REDACTED] a “*fat fucker*”.

Individual A had also stated that on one occasion, a pupil had been playing football with [REDACTED] staff and came over to Individual A and was upset. Individual A stated that she asked the pupil if [REDACTED] was okay, and the pupil said in reply that “*they [kept] calling [REDACTED] a fat fucker*”. Individual A asked the pupil who was calling [REDACTED] this, and the pupil responded by saying “I am no grass, *but they always do it*”.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward had made the comment “*fat fucker*” to pupils. The panel also found that he had allowed other staff to refer to pupils as fat fucker.

The panel found this language was inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (ii) proven.

**iii. You referred to and/or allowed other staff to refer to pupils as “mong” and/or “mong face”, or words to that effect;**

The panel considered Witness B's handwritten notes, which listed the names the children were called by [REDACTED] members of staff at the School. The panel noted that both "*mong*" and "*mong face*" were recorded in these handwritten notes.

Witness B stated in her witness statement that [REDACTED], Individual B, [REDACTED] and Individual M had addressed pupils as "*mong*" and "*mong face*" on more than one occasion. The panel found Witness B to be a credible witness.

The panel considered the written evidence of Witness D. Witness D stated that on one occasion, [REDACTED] and Mr Hayward called pupils "*fat fucker*" and "*mong*". The panel noted that Witness D was consistent in her recollection of this. The panel found Witness D a credible witness.

The panel considered the police witness statement of Witness 16, who was recorded in their police statement as saying that [REDACTED], [REDACTED] and Mr Hayward used the word "*mong*" to describe the SEN pupils.

The panel considered the police interview transcript of Mr Hayward dated 27 January 2021 where Mr Hayward was recorded stating that he "*would laugh under his breath at some words said between students such as 'mong'*". Mr Hayward had further stated that he "*would not discipline [saying the word] as hard as he would if it was said to a child with learning disabilities*" and submitted that it could have been "*viewed as highly derogative towards that [pupil]*". The panel then considered the notes of the meeting between Mr Hayward and the School dated 23 March 2022, which recorded Mr Hayward stating that the term was used by staff and pupils and that it had not been directed at a particular pupil.

The panel again considered that Mr Hayward was recorded denying swearing or saying derogatory terms in front of pupils in his first police interview transcript.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward refer to and allow other staff to refer to pupils as "*mong*" and "*mong face*". The panel found this language was inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (iii) proven.

**iv. You allowed Colleague D to call pupils "window lickers" and/or "spastics" and/or "soft cunts", or words to that effect and/or laughed whilst Colleague D said this;**

Mr Hayward was recorded denying the facts set out in allegation 1(a) Schedule 1 paragraph (iv) in his written statement to the police dated 17 February 2021.

The panel noted that colleague D was [REDACTED].

The panel again considered the meeting notes held by Witness A and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that all inappropriate comments were challenged appropriately.

The panel had sight of the police interview transcript of [REDACTED], dated 24 March 2021, which recorded him stating “no comment” when asked if he called pupils “window lickers”.

As set out above, Witness B’s handwritten notes dated 25 November 2020 recorded her as saying that [REDACTED], [REDACTED], Mr Hayward and Individual B threw stones and eggs at the pupils and [REDACTED] called them “window lickers”, “spastics” and “soft cunts” whilst doing so.

The panel considered the written and oral evidence of Witness B. Witness B stated that [REDACTED], [REDACTED], Mr Hayward and Individual B threw stones and eggs at pupils while calling them “window lickers,” “spastics,” and “soft cunts.” She stated that [REDACTED] was the person making the derogatory comments, while [REDACTED] and Mr Hayward laughed at [REDACTED] and at the pupils.

The panel then considered the written and oral evidence of Witness D. Witness D stated that [REDACTED] referred to SEN pupils as “window lickers” on more than one occasion.

The panel also considered the written list prepared by Witness D for the police, which recorded the existence of a severe bullying culture towards learners, including the use of the terms “spaz,” “retard,” and “window lickers.” The panel noted, however, that [REDACTED] name did not appear specifically alongside these entries.

Having considered all the evidence, the panel concluded, on the balance of probabilities, based on the contemporaneous notes and the written and oral evidence, that [REDACTED] did refer to pupils as “window lickers,” “spastics,” and “soft cunts.”

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward allowed colleague D to refer to pupils as “window lickers”, “spastics” and “soft cunts”, and laughed while colleague D used this language, thereby modelling and reinforcing such behaviour. The panel found both the use of this language and Mr Hayward’s laughter to be inappropriate and unprofessional.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (iv) proven.

**v. You called Pupil G “horse fucker” and/or “donkey fucker”, or words to that effect.**

Mr Hayward was recorded denying allegation 2, Schedule 2, paragraph (v) in the notes of the meeting between Mr Hayward and the School dated 23 March 2022.

The panel then considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022, which recorded Mr Hayward stating that a pupil had brought in a [REDACTED]. [REDACTED].

The panel considered the meeting notes of the meeting held by Witness A and attended by [REDACTED], dated 24 March 2022, which recorded [REDACTED] stating that on one occasion, [REDACTED]. [REDACTED] stated that he said to the pupil, “*very funny*”, and told the pupil [REDACTED] and leave it at the School’s office. [REDACTED] further stated that the term came from a referral that the School received. [REDACTED] stated that only [REDACTED] and [REDACTED] knew. [REDACTED] further stated that on another day, a different [REDACTED] pupil had a picture, which [REDACTED] had drawn, of that pupil “*shagging a horse*” and shouting “*horse fucker*”. [REDACTED] stated that the pupil who drew the picture continued to shout “*horse fucker*” when [REDACTED] saw the other pupil. [REDACTED] stated that he spoke to both [REDACTED] pupils separately.

The panel had sight of the police interview transcript of [REDACTED], dated 24 March 2021, which recorded him stating “*no comment*” in response to this allegation.

The panel considered Witness B’s written statement. Witness B stated that [REDACTED], Mr Hayward and Individual B and Individual M used to call Pupil G “*horse fucker*” or a “*donkey fucker*” to [REDACTED] face.

The panel then considered Witness B’s handwritten notes, which listed the names the children were called by [REDACTED] members of staff at the School. The panel noted that “*horse fucker*” and “*donkey fucker*” were included in the list of names.

The panel had sight of Individual A’s police witness statement. Individual A was recorded as having stated there that [REDACTED], [REDACTED], Mr Hayward and another person accused a specific pupil “*of shagging horses and donkeys*” and called this pupil “*horsefuck*”. Individual A further stated that [REDACTED], [REDACTED], and Mr Hayward “*intimidate[d] [this particular pupil] with a horse head that you [could] wear*”. The panel noted that Individual A had not confirmed this was Pupil G.

The panel noted that [REDACTED] evidence was that the “*horse fucker*” comment originated from a referral the School had received, describing it as a complicated case.

The panel noted that, in the notes of the meeting with Witness A and Individual D dated 20 April 2022, it was recorded that she did not personally hear the phrase “*horse fucker*”. The panel, however, considered that her not hearing the term did not mean it was never said.

The panel considered the interview notes of Mr Hayward from his meeting with Witness A on 23 March 2022. The panel noted that Mr Hayward said he knew the [REDACTED],

and that he believed this would have been a name used. He stated that something was “going around among the students”.

The panel also reviewed the interview notes of [REDACTED] meeting with Witness A on 24 March 2022. In that meeting, he stated: “I particularly remember the learners saying donkey fucker”.

As set out above, the panel had sight of a Witness 8’s police witness statement, which recorded Witness 8 as having stated that [REDACTED] said “[REDACTED] likes shagging horses” in relation to one of the pupils.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward did call Pupil G “horse fucker” and “donkey fucker” and that this was inappropriate.

The panel, therefore, found allegation 1(b), Schedule 2 paragraph (v) proven.

## **2. By reason of your conduct at allegations 1a and/or 1b, you did not safeguard the welfare of students.**

Mr Hayward made no admissions in relation to allegation 2.

Having found allegation 1(a) and allegation 1(b) proven, the panel went on to determine whether allegation 2 was proven.

In assessing whether Mr Hayward failed to safeguard the welfare of the pupils, the panel took into account its knowledge, skills and experience of the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and the influence that teachers may have on pupils.

The panel considered that swearing at pupils, body shaming pupils, calling pupils names based on their vulnerability caused obvious direct harm towards the pupils.

The panel also considered that the encouraging play-fighting, throwing stones and eggs at pupils and other teachers as well as throwing aerosols into bonfires and enabling pupils on a cherry picker at height (without a harness) had caused, or otherwise had a high risk of causing the pupils physical harm.

The panel therefore found allegation 2 proven.

## **3. You engaged in the inappropriate conduct as set out in Schedule 3.**

### **Schedule 3**

**i. In or around January 2021, you told Colleague B that you were going to encourage Pupil L to bully Pupil K;**

The panel had sight of a screenshot of WhatsApp messages from Witness D to her friend dated 16 January 2021 in which she said that Mr Hayward was “*gonna get the other kids to bully the new kid in line cos the new kid is being too cockey*”.

The panel noted that colleague B was Witness D.

The panel considered the written evidence of Witness D, she stated that on one occasion, Mr Hayward said to her that he was going to encourage Pupil L to bully Pupil K to “*put [Pupil K] in [REDACTED] place*”. Witness D said that she told Mr Hayward that what he was doing was not right. Witness D said that Mr Hayward then walked out of the room.

The panel considered Witness D’s record of the police interview on 15 February 2021, which stated that on 16 January 2021, the School had a new learner, and [REDACTED] saw “*[REDACTED] as the top alpha*” and Mr Hayward said to her that he would “*encourage*” the student to bully this pupil down into [REDACTED] place. The panel noted that the names of the students were redacted from this record. The panel noted that this was consistent with the screenshot of the WhatsApp message. The panel found her to be a credible witness.

The panel noted that it is recorded in Mr Hayward’s second police interview record, that he denied saying that he was going to get a pupil to bully a new pupil who was “*a bit cocky*”. The panel noted that Mr Hayward was consistent in his denial of this allegation.

Having considered all the evidence, the panel concluded, on the balance of probabilities, and based largely on the contemporaneous evidence, that Mr Hayward, in around January 2021, told colleague B that he was going to encourage Pupil L to bully Pupil K. The panel found this conduct to be inappropriate.

The panel, therefore, found allegation 3, Schedule 3 paragraph (i) proven.

## **ii. You threw eggs at Colleague B;**

The panel noted that colleague B was Witness D.

The panel had sight of a photo of Witness D and another of Individual O, both of whom had their coats covered in egg.

The panel considered the police witness statement, written and oral evidence of Witness D, who stated that [REDACTED], [REDACTED] and Mr Hayward threw eggs at her. Witness D stated that she, Individual D and Individual O were the staff members who had eggs thrown at them the most. Witness D stated that it occurred from 2.30 pm onwards, when the pupils were not at the School and may have occurred on a weekly basis. Witness D’s evidence was that she washed her coat and scarves often because [REDACTED] and other staff members threw eggs at her.

The panel had sight of email correspondence between [REDACTED] and Witness D, which showed that Witness D stated she was “*fine with being the target*”. Witness D submitted that the comment was made in relation to staff throwing eggs at Witness D.

The panel considered that in oral evidence Witness D explained that she was not comfortable with the eggs being thrown at her but did not feel sufficiently confident to challenge this.

The panel also considered Witness B’s police witness statement in which she was recorded as having said that she had seen [REDACTED] throw eggs at staff members and children.

The panel had sight of Individual A’s police witness statement. Individual A was recorded as stating that she saw [REDACTED] throw eggs at the [REDACTED] staff.

The panel noted that Witness 16 was recorded in her police statement as stating that she had seen a teacher covered in egg.

The panel then considered the first police interview transcript of Mr Hayward, which recorded Mr Hayward stating that on more than one occasion, “*the [REDACTED]*” had come down and put an egg in a pupil’s pocket, and stated that this had been going on for the past three years. Mr Hayward, in his police interview, also stated that on more than one occasion, pupils had initiated water and egg fights, with “*everyone*” joining in.

The panel considered the notes of the meeting between Mr Hayward and Witness A dated 23 March 2022, which recorded Mr Hayward stating that there had been fights at the School and that eggs had been thrown at the walls. Mr Hayward stated in the meeting notes that the eggs and stone throwing were “*probably a daily occurrence*” and that [REDACTED] was aware and participated.

The panel again considered the police interview transcript of Mr Hayward dated 27 January 2021 which recorded that it had been stated that on one occasion, two pupils asked the kitchen staff for eggs to throw at staff and that there had been egg throwing throughout the school and Mr Hayward submitted that the staff and pupils had “*a good time*” and that there was “*nothing malicious about that situation*”.

Mr Hayward, in his police interview, also stated that on more than one occasion, there have been water and egg fights which was initiated by the pupils and had “*everyone*” joining in. Mr Hayward had submitted that the fights were “*playful*”.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward did throw eggs at colleague B and that this was inappropriate.

The panel, therefore, found allegation 3, Schedule 3 paragraph (i) proven.

**iii. You used racist language;**

Mr Hayward was recorded denying allegation 3, Schedule 3 paragraph (iii) in his written statement to the police dated 9 April 2021. The panel noted that Mr Hayward had been consistent in his denial of making racist comments and jokes.

The panel considered the written and oral evidence of Witness B, who stated that Mr Hayward often used “*racist*” “*jokes*”, and Witness B walked away when Mr Hayward did so.

The panel then considered the written and oral evidence of Witness D who stated she heard Mr Hayward say the “*n word all the time*”. Witness D stated that she constantly challenged Mr Hayward about his use of the word, how he spoke about [REDACTED] and how he spoke about Witness D’s [REDACTED] at the time, who is [REDACTED].

In her written and oral evidence, Witness D said that on one occasion during Witness D’s first week of working at the School, she went to the pub with some of the staff members, including Mr Hayward. Witness D stated that in conversation, she said she had a [REDACTED]. Witness D showed them a picture of her [REDACTED], and the first thing that they said in response was that her [REDACTED] had a “*big nose*” and that they commented on her [REDACTED] last name. Witness D stated Mr Hayward also asked Witness D if her television was still at home. Witness D submitted that Mr Hayward was implying that her [REDACTED] had stolen her television.

The panel noted that in Witness D’s police statement it is recorded that Witness D stated that when she raised the racist comments with [REDACTED], he said to Mr Hayward in front of Witness D and other staff on more than one occasion, “*oh don’t say that in front of [Witness D] as we will have to do more paperwork.*” The panel also considered Witness 16’s police statement, which appeared consistent with Witness D’s evidence.

The panel noted the text message from Witness B to Witness D she stated “*saw u stick up for [yourself] today about ra[c]jism but well done*”.

The panel noted that in Witness B’s written statement she stated that she did not recall the content of “*racist jokes*”.

The panel noted that screen shots of the WhatsApp message provided by Witness D where she stated, “*I’d rather be unemployed than work among racist people*”, which supported her oral and written evidence that racist comments were being made in the School.

Having considered all the evidence, the panel concluded, on the balance of probabilities, that Mr Hayward had used racist language and that this language was wholly inappropriate.

The panel, therefore, found allegation 3, Schedule 3 paragraph (iii) proven.

**iv. You filled Colleague B's water bottle with dirt and hung it up so that she could not reach it or allowed this to happen.**

Mr Hayward was recorded denying damaging the property of any staff member in allegation 3 Schedule 3 paragraph (iv) in his written statement to the police dated 9 April 2021.

The panel noted that colleague B was Witness D.

The panel had sight of a screenshot of Witness D's WhatsApp, which showed a photo of a water bottle with a string tied to the ceiling of a building.

The panel then considered the written and oral evidence of Witness D, who stated that on one occasion, Mr Hayward and [REDACTED] filled her water bottle with dirt and rubbish and then hung it from the ceiling in one of the School's buildings. Witness D said that Mr Hayward and [REDACTED] "*teased*" her for not being able to reach the bottle when they could.

Witness D's police witness statement further recorded that she then drank the water from the bottle and spat it out. It also recorded that after Christmas, Witness D received [REDACTED] and brought it into School, and that [REDACTED], [REDACTED] and Mr Hayward told her they were going to "*target it*" and that she could not leave her water bottle anywhere.

The panel then considered [REDACTED] written evidence, in which he stated that he knew pupils who stole items belonging to the School or staff.

Having reviewed all the evidence, the panel was satisfied that the TRA had provided sufficient evidence to demonstrate that Mr Hayward jointly had filled colleague B's water bottle with dirt and hung it up out of her reach. The panel also concluded, on the balance of probabilities, that Mr Hayward had both allowed the filling of colleague B's water bottle and had taken part in filling it.

The panel therefore found allegation 3, Schedule 3, paragraph (iv), proven.

**4. On or around 27 January 2021, you attended the School with bullets and/or live ammunition in your car.**

The panel considered Mr Hayward's first police interview transcript. It was recorded that the police seized several items from Mr Hayward's vehicle, including some bullets. The panel noted that Mr Hayward stated that these should normally be kept in his locked ammunition case at his home address and that they would have remained in the car from the weekend. It is further recorded that Mr Hayward said there were three or four different boxes of ammunition in the vehicle.

Mr Hayward is recorded as stating that in the front of the car there “*will be some 12-gauge shotgun cartridges and that if there were three or four different boxes, there will be some 243 rounds and potentially some 22 ring fire rounds from the weekend as well*”.

The panel noted that he explained that the ammunition would usually be removed from his car and placed into a locked ammunition case inside his house, alongside the rifles. The rifles themselves are kept in a locked case at his address.

The panel noted that Mr Hayward confirmed he held a shotgun and firearms licence at the relevant time.

Mr Hayward denied during the interview that he had taken his shotgun or rifle to School. The panel noted that Mr Hayward, throughout his written evidence, had been consistent that he had never brought a gun to the School.

The panel noted that in Mr Hayward’s prepared statement dated 9 April 2021, he admitted that he had previously brought “*empty shotgun casings*” into the School to make Christmas wreaths and coasters. He explained that they would cut pieces of plastic out and use the spent cartridges on clock faces as markers. He also noted that they spoke about the countryside frequently.

The panel had sight of Individual A’s police statement, which recorded Individual A stating that on 21 January 2021, the [REDACTED] staff talked about guns and about Mr Hayward bringing his guns in to “*shoot windows*” and having “*fun*” with the staff. Individual A stated that in the morning briefing on 22 January 2021, Mr Hayward, [REDACTED] and other staff members said that it was a “*good idea*” to bring the guns in.

The panel noted the car was not locked when the police seized the car. The panel noted that Mr Hayward stated that the car was unlocked as he was due to load it with benches. He stated that it was only unlocked for 3 to 4 minutes before the police arrived.

Having considered the evidence before it, the panel was satisfied that the TRA had provided sufficient evidence to demonstrate that Mr Hayward had attended the School with bullets and live ammunition in his car on or around 27 January 2021. The panel noted it did not have sufficient evidence that, on the balance of probabilities, Mr Hayward had attended School with a gun, but that it did not need to do so to find this allegation proven.

Therefore, the panel found allegation 4 proven on the balance of probabilities.

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

Having found all the allegations 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 Hayward, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Hayward was in breach of the following standards:

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

The panel was satisfied that the conduct of Mr Hayward, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”) 2020, which was the applicable version at the time of the misconduct. The panel noted the following relevant provisions which had been breached by Mr Hayward’s conduct:

- Part 1 emphasises that safeguarding is “*everyone’s responsibility*”.
- Paragraph 4 requires staff to protect children from maltreatment and ensure they receive “*safe and effective care.*”
- Paragraph 7 states that all staff are responsible for ensuring a safe environment in which children can learn.
- KCSIE also highlights the need to prevent peer-on-peer abuse, including any conduct that normalises or encourages physical aggression between pupils.

The panel considered that Mr Hayward’s actions were incompatible with these obligations. His encouragement of playfighting, use of derogatory and demeaning language, and general disregard for appropriate professional boundaries breached safeguarding duties.

The panel was also satisfied that Mr Hayward's conduct breached Working Together to Safeguard Children, which emphasises that safeguarding is a shared responsibility and that headteachers hold strategic responsibility for ensuring effective safeguarding arrangements.

The panel also considered whether Mr Hayward'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 carefully considered whether the behaviour amounted to "*violence*" under ordinary definitions. Using the Oxford and Cambridge dictionary definitions, the panel accepted that the conduct involved wholly inappropriate physical horseplay, but on balance, it did not reach the level of severity associated with violence. The panel considered it more akin to inappropriate horseplay rather than assault, while still being entirely unacceptable in a school environment.

The panel carefully considered whether the allegation of intolerance and/or hatred on the grounds of race was made out. In assessing whether Mr Hayward was guilty of unacceptable professional conduct, the panel concluded that although he had used racist language and made racist comments, there was no evidence that he acted out of racial hatred, and therefore this specific offence was not proven.

However, the panel found that the use of racist language, even when presented as a "*joke*" or without malicious intent, was wholly inappropriate, demonstrated conduct that could reasonably be interpreted as hostility on grounds of race, and fell significantly below the standards expected of a teacher.

The panel found each proven allegation to be serious misconduct, for the reasons below:

- The panel found that encouraging and permitting pupils to engage in playfighting constituted unacceptable professional conduct, failing to maintain safe standards and exposing pupils to risk.
- The panel found that personally participating in playfighting with pupils breached professional boundaries and undermined pupil safety.
- The panel found that lying on top of a pupil and simulating sexual behaviour was a violation of professional boundaries and placed the child at significant risk.
- The panel found that throwing stones at or near pupils created a clear and foreseeable risk of physical injury and was incompatible with safeguarding duties.

- The panel found that encouraging pupils to use a dead animal as a ball was grossly inappropriate modelling of behaviour and fell far below professional standards.
- The panel found that putting or allowing pupils to be lifted in a cherry picker with no harness exposed them to serious physical danger and demonstrated disregard for health and safety.
- The panel found that throwing aerosols onto a fire posed an obvious and serious health and safety risk and normalised unsafe behaviour.
- The panel found that throwing eggs at pupils, and allowing others to do so, exposed pupils to potential injury and normalised unsafe behaviour.
- The panel found that putting stones down a pupil's trousers involved inappropriate physical contact and breached essential professional boundaries.
- The panel found that calling a vulnerable pupil abusive names amounted to bullying behaviour and was particularly serious given the pupil's known vulnerabilities.
- The panel found that using further abusive language towards pupils was degrading, wholly unacceptable, and constituted bullying.
- The panel found that using derogatory and abusive terms was unacceptable, degrading, and abusive, and therefore amounted to serious misconduct.
- The panel found that allowing a colleague to use highly derogatory and discriminatory language towards pupils, and laughing at this, condoned abusive conduct and contributed to an unsafe culture.
- The panel found that throwing eggs at a junior colleague was disrespectful, inappropriate, and constituted bullying behaviour.
- The panel found that using racist language, regardless of intent, was discriminatory, harmful, and modelled unacceptable behaviour to pupils.
- The panel found that encouraging pupils to bully each other directly contradicted safeguarding duties and promoted harmful peer behaviour.
- The panel found that attending school with bullets and live ammunition accessible in an open vehicle, even if licensed, posed an extremely significant risk if pupils had accessed the ammunition and therefore amounted to serious misconduct. The panel further noted that Mr Hayward had his firearms licence revoked due to this misconduct.

The panel did not consider any of Mr Hayward's actions to be trivial, negligible, or a temporary lapse. Taken individually, each amounted to serious misconduct, and

collectively they represented a profound and sustained departure from the standards expected of a teacher.

For these reasons, the panel was satisfied that the conduct of Mr Hayward 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 Hayward was guilty of unacceptable professional conduct.

In relation to whether Mr Hayward'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 Hayward'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 Hayward was guilty of unacceptable professional conduct, the panel did not find the offence of hatred on the grounds of race was relevant. However, the panel found that the use of racist language, even when presented as a "joke" or without malicious intent, was wholly inappropriate, demonstrated conduct that could reasonably be interpreted as hostility on grounds of race, and could potentially damage the public's perception of a teacher.

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

For these reasons, the panel found that Mr Hayward'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 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 safeguarding and wellbeing of pupils, the protection of other members of the public, 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 Hayward, which involved engaging in inappropriate behaviour with pupils including throwing eggs and stones at pupils and staff, swearing at pupils and calling them names, using racist language, simulating having sex with a pupil, allowing pupils to go up on a cherry picker with no harness, attending School with live ammunition in his car and failing to safeguard pupils, there was a strong public interest consideration in 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 Hayward 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 Hayward 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 Hayward in the profession. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Hayward in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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 Hayward.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- 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 were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;
- sustained and serious bullying, and other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- collusion, including:
  - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;

The panel considered whether the behaviour involved amounted to the possession of prohibited firearms, knives or other weapons. The panel found that ammunition is not of itself a prohibited firearm. However, the panel considered the conduct of bringing ammunition on the School premises to be wholly inappropriate, regardless of the fact that Mr Hayward held a valid firearms licence.

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 found that Mr Hayward's conduct was deliberate. In particular, it noted that he had actively participated in the playfighting and, in circumstances where he did not participate in the misconduct, he nonetheless failed to challenge the behaviour at the time.

There was no evidence to suggest that Mr Hayward was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel found that he was a willing participant.

The panel found that Mr Hayward had not demonstrated exceptionally high standards of personal or professional conduct, nor had he shown that he had made a significant

contribution to the education sector. The panel received no evidence supporting such a conclusion. Although there were some positive references for Mr Hayward within the bundle, none indicated that he had achieved exceptionally high standards. For example, Witness 6 stated that “[Mr Hayward and REDACTED]] were very nice people”.

The panel took account of Mr Hayward’s background. He had not previously worked in a school, had undertaken limited training, and had spent his career in non-teaching environments. Prior to joining the School, he had run a construction business for 20 years. The panel noted that he had completed some general online training in 2020, which appeared to have been undertaken at the school, including training relating to child protection in education and safeguarding young people. However, the panel had no evidence of the safeguarding training Mr Hayward said he had completed at the School.

The panel considered Mr Hayward’s written statement, in which he explained that he had been voted “*Instructor of the Year*” in 2019 by the pupils. He also stated that the headteacher preferred the term “*learner*”, as many of the pupils had rebelled against authority in mainstream education. The panel noted that Mr Hayward stated that his appraisal dated 8 July 2020 recorded that he had “*solely developed the carpentry curriculum*” and had planned it “*in such a way that all learners can thrive and progress no matter their ability*”. He stated that the appraisal also noted high levels of pupils’ engagement in the subject, and he stated that he had further developed the curriculum during his time at the School.

In his statement, Mr Hayward wrote that he was frequently called away from his workshop by the school leadership to help de-escalate aggressive incidents on site. He described assisting in “*multiple, fast-paced, violent situations*” and stated that he had never used physical restraint on a student. Instead, he said he was able to guide students away from situations and calm them until further assistance from school leaders or, on occasion, the police arrived. He stated his 8 July 2020 appraisal recorded that he was able to de-escalate aggressive behaviour because of his “*great relationship and demeanour with all learners*”. He further stated that during his employment, he had never acted in a way that intentionally or recklessly caused a student to fear or experience immediate unlawful violence.

The panel considered that, given his lack of educational background, Mr Hayward may have been influenced by the culture of the School, established by the headteacher. While he had demonstrated an ability to support pupils and had skills from which they could benefit, he did not demonstrate an understanding of appropriate professional boundaries. The panel considered that, had he been placed in a different learning environment with proper guidance and training, his practice may have developed appropriately. Based on the evidence available, the panel concluded that he has the potential to work appropriately with pupils in the future.

Mr Hayward accepted that he had adopted aspects of the School culture and failed to recognise when professional boundaries were being crossed. However, the panel found that his conduct was nonetheless wholly unacceptable.

In relation to the cherry picker incident, the panel noted that, given his construction background, Mr Hayward should have been aware that a pupil being lifted in a cherry picker was required to wear a harness.

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 Hayward 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 Hayward. The breadth of the serious misconduct, failures in safeguarding duties, inappropriate physical interactions with pupils, bullying behaviour, the use of racist language, allowing pupils to go up on a cherry picker with no harness, and the presence of live ammunition on the School site, reflected conduct incompatible with the standards expected of a member of the teaching profession.

The panel considered how the public interest and, as part of this, how the public would view the prospect of allowing an individual who had spoken to children in the terms Mr Hayward had used, and who had exposed pupils to risks through actions such as playfighting, to continue working in the profession. The panel concluded that the public would be extremely concerned at such conduct and would expect regulatory action to prevent further risk.

The panel found that safeguarding concerns were central. The panel took into account Mr Hayward's explanation that he had received insufficient training and the actions, in his view, were approved by the headteacher. However, the panel considered that the safeguarding breaches were of a kind that any reasonable adult working with children should have recognised as wholly inappropriate and unsafe. The panel was satisfied that there were safeguarding expectations that Mr Hayward failed to meet.

These were 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 cases where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

The panel considered whether the category of child cruelty was engaged. While the panel identified inappropriate behaviour and bullying, it concluded that the conduct did not reach the threshold required to constitute child cruelty.

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 examined carefully whether intolerance and/or hatred on the grounds of race was met. The panel concluded that although Mr Hayward had used racist language and made racist comments, there was no evidence that he acted out of racial hatred. As such, the specific behaviour of intolerance and/or hatred on the grounds of race was not found. However, the panel found that the use of racist language was wholly inappropriate, and that it caused discomfort to the colleague concerned. The panel considered that such language represented poor judgement and fell far short of the standards of conduct expected in an educational environment, particularly given the need for adults to model appropriate behaviour to children.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

The panel found Mr Hayward's conduct was wholly inappropriate. Incidents such as simulating sexual acts on a pupil, the use of racist language, and exposing pupils to unsafe situations, including the cherry-picker incident and the presence of live ammunition, demonstrated conduct far below the standards expected of someone working with children. The panel considered that certain behaviours suggested an inherent lack of understanding of what is and is not acceptable in a professional educational setting. Given Mr Hayward's background in construction, the panel considered that he should have been acutely aware of the health and safety risks his actions posed in allowing pupils to go up in a cherry picker with no harness.

The panel went on to consider whether a review period was appropriate. It noted that a five-year review period would give Mr Hayward time to reflect, demonstrate insight and remorse, and undertake appropriate training.

The panel acknowledged that Mr Hayward was more forthcoming in his interviews regarding both his conduct and the mitigating factors surrounding it. The panel accepted this as a relevant mitigating factor.

The panel also noted that Mr Hayward appeared to be a mature adult who was capable of engaging openly with investigative processes. He attempted to participate meaningfully in both the police and internal independent investigation carried out by Witness A, and the panel considered this openness to be a fair and relevant point of mitigation. The panel also considered that his maturity and experience should have led him to appreciate more fully that his actions were serious misconduct.

The panel considered that, with the right support and appropriate training, he might be capable of developing an appropriate professional approach in the future. In the panel's judgement the risk of repetition could be low, if he were to fully appreciate and reflect on his actions, and the impact his actions had on others, as well as receive the appropriate training.

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

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Hayward involved breaches of the responsibilities and duties set out in statutory guidance *‘Keeping children safe in education’* and *‘Working together to safeguard children’*.

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

The findings of misconduct are particularly serious as they include a teacher engaging in inappropriate behaviour towards pupils as well as directing inappropriate language towards them and failing to observe his safeguarding responsibilities.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Hayward, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel offers this observation:

“In the light of the panel’s findings against Mr Hayward, which involved engaging in inappropriate behaviour with pupils including throwing eggs and stones at pupils and staff, swearing at pupils and calling them names, using racist language, simulating having sex with a pupil, allowing pupils to go up on a cherry picker with no harness, attending School with live ammunition in his car and failing to safeguard pupils, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.”

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

“Mr Hayward accepted that he had adopted aspects of the School culture and failed to recognise when professional boundaries were being crossed.”

In my judgement, the lack of evidence that Mr Hayward has developed full insight into and remorse for his behaviour 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 makes this comment:

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

I am particularly mindful of the finding of a teacher using abusive and degrading language towards pupils in this case and the negative impact that such a finding may have 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 Hayward himself. The panel makes this observation:

“The panel found that Mr Hayward had not demonstrated exceptionally high standards of personal or professional conduct, nor had he shown that he had made a significant contribution to the education sector. The panel received no evidence supporting such a conclusion. Although there were some positive references for Mr Hayward within the bundle, none indicated that he had achieved exceptionally high standards. For example, Witness 6 stated that “*[Mr Hayward and [REDACTED] were very nice people*”.”

A prohibition order would prevent Mr Hayward 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 very serious nature of the misconduct found by well as the panel’s findings panel. For example:

“The panel found Mr Hayward’s conduct was wholly inappropriate. Incidents such as simulating sexual acts on a pupil, the use of racist language, and exposing pupils to unsafe situations, including the cherry-picker incident and the presence of live ammunition, demonstrated conduct far below the standards expected of someone working with children.”

I have also placed considerable weight on the lack of evidence of insight and remorse as well as the panel’s findings that, while there were some mitigating circumstances concerning Mr Hayward’s lack of experience as a teacher and the prevailing culture at the school, his actions were deliberate and committed free of extreme duress.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hayward 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.

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 five-year review period.

In doing so, it has referred to the Advice:

“The Advice indicates that there are certain types of cases where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

The panel considered whether the category of child cruelty was engaged. While the panel identified inappropriate behaviour and bullying, it concluded that the conduct did not reach the threshold required to constitute child cruelty.

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 examined carefully whether intolerance and/or hatred on the grounds of race was met. The panel concluded that although Mr Hayward had used racist language and made racist comments, there was no evidence that he acted out of racial hatred. As such, the specific behaviour of intolerance and/or hatred on the grounds of race was not found. However, the panel found that the use of racist language was wholly inappropriate, and that it caused discomfort to the colleague concerned. The panel considered that such language represented poor judgement and fell far short of the standards of conduct expected in an educational environment, particularly given the need for adults to model appropriate behaviour to children.”

I have also considered the panel’s concluding remarks:

“The panel went on to consider whether a review period was appropriate. It noted that a five-year review period would give Mr Hayward time to reflect, demonstrate insight and remorse, and undertake appropriate training.

The panel acknowledged that Mr Hayward was more forthcoming in his interviews regarding both his conduct and the mitigating factors surrounding it. The panel accepted this as a relevant mitigating factor.

The panel also noted that Mr Hayward appeared to be a mature adult who was capable of engaging openly with investigative processes. He attempted to participate meaningfully in both the police and internal independent investigation carried out by Witness A, and the panel considered this openness to be a fair and relevant point of mitigation. The panel also considered that his maturity and experience should have led him to appreciate more fully that his actions were serious misconduct.

The panel considered that, with the right support and appropriate training, he might be capable of developing an appropriate professional approach in the future. In the panel’s judgement the risk of repetition could be low, if he were to fully appreciate and reflect on his actions, and the impact his actions had on others, as well as receive the appropriate training.”

I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I do not agree with the panel that the allowing such a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature and extensive range of the misconduct found which included:

- encouraging and permitting pupils to engage in playfighting which constituted unacceptable professional conduct, failing to maintain safe standards and exposing pupils to risk.
- participating in playfighting with pupils and in doing so breaching professional boundaries and undermined pupil safety.
- lying on top of a pupil and simulating sexual behaviour.
- throwing stones at or near pupils creating a clear and foreseeable risk of physical injury.
- encouraging pupils to use a dead animal as a ball.
- allowing pupils to be lifted in a cherry picker with no harness and therefore exposing them to serious physical danger.
- throwing eggs at pupils, and allowing others to do so.

- calling a vulnerable pupil abusive names.
- throwing eggs at a junior colleague.
- using racist language.
- encouraging pupils to bully each other.
- attending school with bullets and live ammunition accessible in an open vehicle.

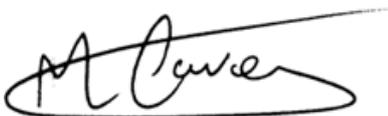
I have also taken into account the lack of evidence of full insight and remorse on Mr Hayward's part and the consequent risk to the future wellbeing of pupils.

Taking all these factors into account, I consider therefore that allowing for a review period of eight years is necessary to maintain public confidence and is proportionate and in the public interest. Should Mr Hayward wish to return to teaching in the future, such a review period will also afford him the time required to demonstrate fully that he has taken steps to ensure that his behaviour no longer presents a risk to the safety and wellbeing of pupils.

**This means that Mr Thomas Hayward 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 20 March 2034, eight 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 Hayward remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'M. Cavey', written over a horizontal line.

**Decision maker: Marc Cavey**

**Date: 23 February 2026**

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