



Teaching
Regulation
Agency

Mr Paul Harry Symonds: Professional conduct panel meeting outcome

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

June 2021

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

Teacher:	Mr Paul Harry Symonds
Teacher ref number:	0644853
Teacher date of birth:	9 November 1963
TRA reference:	19263
Date of determination:	29 June 2021
Former employer:	Townley Grammar School, Kent

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 29 June 2021, to consider the case of Mr Paul Symonds.

The panel members were Mrs Caroline Tilley (lay panellist – in the chair), Mr John Martin (teacher panellist) and Mr Christopher King (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Symonds that the allegations be considered without a hearing. Mr Symonds provided a signed statement of agreed facts and admitted his conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Ms Ruth Miller of Fieldfisher Solicitors LLP or Mr Symonds.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 26 May 2021.

It was alleged that Mr Symonds was guilty of having been convicted of a relevant offence, in that on or around 16 September 2020, he was convicted of:

1. Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a);
2. Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a);
3. Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a);

Mr Symonds has admitted both the facts of the allegations and that they amount to a conviction of a relevant offence.

Preliminary applications

Applicable Procedures

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

Section 1: Chronology – page 1

Section 2: Notice of referral, response and notice of meeting – pages 2 to 15

Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 20

Section 4: Teaching Regulation Agency documents – pages 21 to 67

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Symonds on 19 May 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Symonds for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

On 1 September 2016, Mr Symonds commenced employment at Townley Grammar School, Kent (the “School”). On 3 May 2019, the School was informed that the police were investigating Mr Symonds in relation to accessing and distributing indecent images of children. On 7 May 2019, Mr Symonds was suspended by the School. On 9 May 2019, Mr Symonds was arrested and interviewed by the police. He was interviewed again by the police on 17 January 2020. On 31 January 2020, Mr Symonds was dismissed from the School. On 16 September 2020, Mr Symonds appeared at Woolwich Crown Court.

Findings of fact

The findings of fact are as follows:

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

On or around 16 September 2020 you were convicted of:

- 1. Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a);**

In a statement of agreed facts, Mr Symonds admitted this conviction. The panel has seen the certificate of conviction which confirms the fact of the conviction and shows that, in respect of this conviction, Mr Symonds was sentenced to carry out 200 hours unpaid work over a period of 2 years; that he was placed upon the Sex Offender register for 5

years; that he undertake all rehabilitation activity requirements as directed for a maximum period of 30 days; that he pay a victim surcharge of £90.00, and a sexual harm prevention order for 5 years was imposed. Whilst the certificate of conviction did not state the legislation that had been contravened by Mr Symonds, nor the date of the offence, these details are stated in the Police National Check (PNC) print out seen by the panel.

This allegation was therefore found proven.

2. Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a);

In a statement of agreed facts, Mr Symonds admitted this conviction. The panel has seen the certificate of conviction which confirms the fact of the conviction and shows that, in respect of this conviction, Mr Symonds was sentenced to carry out 200 hours unpaid work over a period of 2 years; and that he undertake all rehabilitation activity requirements as directed for a maximum period of 30 days. Whilst the certificate of conviction did not state the legislation that had been contravened by Mr Symonds, nor the date of the offence, these details are stated in the PNC print out seen by the panel.

This allegation was therefore found proven.

3. Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a).

In a statement of agreed facts, Mr Symonds admitted this conviction. The panel has seen the certificate of conviction which confirms the fact of the conviction and shows that, in respect of this conviction, Mr Symonds was sentenced to carry out 200 hours unpaid work over a period of 2 years; and that he undertake all rehabilitation activity requirements as directed for a maximum period of 30 days. Whilst the certificate of conviction did not state the legislation that had been contravened by Mr Symonds, nor the date of the offence, these details are stated in the PNC print out seen by the panel.

This allegation was therefore found proven.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Mr Symonds in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that Mr Symonds has breached the preamble of Teachers' Standards in failing to achieve the highest possible standards in conduct, and that he has failed to act with integrity. By reference to Part 2, Mr Symonds 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...

- 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
 - not undermining fundamental British values, including ... the rule of law, individual liberty and mutual respect....
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach....
 - Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting since a conviction of this nature indicates that Mr Symonds has a sexual interest in children, potentially posing a risk to such children.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and security of those children depicted in the images viewed by Mr Symonds.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Symonds' behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Symonds' behaviour did not lead to a sentence of imprisonment but noted that six of the photographs or pseudo photographs were Category A images, the most serious level of indecent images, as defined within the Sentencing Council's Grading of Abusive Images of Children, and other Images.

This was a case involving offences of making an indecent photograph or pseudo photograph of a child, which the Advice states is likely to be considered a relevant offence.

No recent testimonial evidence has been adduced regarding Mr Symonds' ability as a teacher. However, the panel noted that a character reference from 2013 at the time of Mr Symonds' appointment to the School had scored Mr Symonds as 'Very Good' or 'Outstanding' in respect of each of the skills pertaining to his ability as a teacher. The panel had no recent information as to his abilities as an educator. The panel also took into consideration the information contained within the police case file summary which stated that during Mr Symonds' second police interview, he had stated that following his arrest, he [redacted]. The panel noted that Mr Symonds is also reported as having said that he was "disgusted with myself. I don't know how I did it or why" and that "I look back and I can't believe I did it". It is recorded that he stated, "I didn't like what I saw, they were

too young but I clicked on it again, I hated it, it scared me” and that he confirmed that it had become [redacted]. The panel had no independent confirmation of any of the steps taken by Mr Symonds to address his behaviours.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Symonds’ ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession. The panel considered that whilst Mr Symonds had said he had sought some help for his behaviour, there was no evidence to show that he understood the reasons for his actions, nor that he had addressed them, which impacts upon his ongoing suitability to teach.

Panel’s recommendation to the Secretary of State

Given the panel’s findings that his convictions were for relevant offences, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found all of them to be relevant in this case, the protection 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 Symonds which involved making indecent images of a child, there was a strong public interest consideration in respect of the protection of pupils and other members of the public given the potential risk Mr Symonds poses to children, and indirectly to those who care for such children.

Similarly, the panel considered that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Symonds was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Symonds was outside that which could reasonably be tolerated.

No doubt had been cast upon Mr Symonds’ ability as an educator, albeit no recent evidence had been adduced of this. However, the panel determined that it was not in the

public's interest to retain Mr Symonds in the profession, given that the nature of his conduct fundamentally undermines the trust placed in a teacher to safeguard children.

Notwithstanding 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 Symonds.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Symonds. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values of ... the rule of law, individual liberty, and mutual respect ...;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- ... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

The panel considered Mr Symonds to have a deep-seated attitude given the number of images found on his computer tower, and to which Mr Symonds has admitted being present. The panel noted that 6 Category A images, 19 Category B images and 481 Category C images were found on his computer tower. The police case summary also records that Mr Symonds had stated that he had been thinking about this before 2014, although the panel appreciated that it had not seen a transcript of Mr Symonds' police interview.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Symonds' actions were not deliberate. The police case summary stated that, during interview, Mr Symonds had said that his behaviours began when he had clicked on a link to an image, that he didn't like what he saw as the individuals shown were too young, but that he had clicked on it again. The police case summary indicates that Mr Symonds admitted to subsequently searching for similar images.

There was no evidence to suggest that Mr Symonds was acting under duress, and, in fact, the panel found Mr Symonds' actions to be calculated and motivated. The panel noted that the police case summary records that Mr Symonds had used scrubbing software to remove images that he had downloaded stating that "I was so disgusted with myself I deleted it".

The panel had no reason to believe that Mr Symonds did not have a previously good history although the behaviours leading to Mr Symonds' conviction appear to have been established over a period of time.

No recent testimonial evidence has been adduced regarding Mr Symonds' ability as a teacher. However, as referred to above, the panel noted that a character reference from 2013 at the time of Mr Symonds' appointment to the School had scored Mr Symonds as 'Very Good' or 'Outstanding' in respect of each of the skills pertaining to his ability as a teacher.

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 concluded that, applying the standard of the ordinary intelligent citizen, it would be neither a proportionate nor appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Symonds 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 Symonds. The nature and seriousness of the convictions led to the panel 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 to recommend that a review period of the order should be considered. 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 behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel found that Mr Symonds had been convicted of such offences.

The panel noted that immediately prior to his arrest, when asked whether he knew anything about the download of indecent images of children, Mr Symonds had nodded his head and said that he may do, although he went on to make no comment during his initial police interview. The police have recorded in their case summary that, during his second interview in January 2020, when the forensic evidence was put to him, Mr Symonds answered all questions fully, admitted to downloading and accessing indecent images of children, and showed remorse and shame for his actions. Mr Symonds was invited to provide evidence in mitigation, but he has not done so. As such, the panel saw no evidence from Mr Symonds that indicates that he has developed any insight into his behaviours, or that provides any reassurance that the risk of repetition has dissipated.

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

Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mr Symonds 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...
 - 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
 - not undermining fundamental British values, including ... the rule of law, individual liberty and mutual respect....
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach....
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a criminal conviction for "Making an indecent photograph or pseudo-photograph of a child on 8 May 2019 contrary to the Protection of Children Act 1978 s 1(a)."

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "the individual's actions were relevant to teaching, working with children and working in an education setting since a conviction of this nature indicates that Mr Symonds has a sexual interest in children, potentially posing a risk to such children."

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Symonds answered all questions fully, admitted to downloading and accessing indecent images of children, and showed remorse and shame for his actions. Mr Symonds was invited to provide evidence in mitigation, but he

has not done so. As such, the panel saw no evidence from Mr Symonds that indicates that he has developed any insight into his behaviours, or that provides any reassurance that the risk of repetition has dissipated.”

In my judgement, the lack of complete or full insight means that there is some risk of the repetition of this behaviour, and this puts at risk the future well being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel considered that Mr Symonds’ behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

I am particularly mindful of the finding of a relevant conviction in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Symonds himself. The panel comment “No recent testimonial evidence has been adduced regarding Mr Symonds’ ability as a teacher. However, as referred to above, the panel noted that a character reference from 2013 at the time of Mr Symonds’ appointment to the School had scored Mr Symonds as ‘Very Good’ or ‘Outstanding’ in respect of each of the skills pertaining to his ability as a teacher.”

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

In this case, I have placed considerable weight on the panel’s comments, “The panel considered Mr Symonds to have a deep-seated attitude given the number of images found on his computer tower, and to which Mr Symonds has admitted being present. The panel noted that 6 Category A images, 19 Category B images and 481 Category C images were found on his computer tower.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Symonds has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published

decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "the panel saw no evidence from Mr Symonds that indicates that he has developed any insight into his behaviours, or that provides any reassurance that the risk of repetition has dissipated."

I have considered the advice published by the Secretary of State.

In my view allowing for no review period reflects the seriousness of the findings and is a necessary and proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review period is necessary and in the public interest are the seriousness of the relevant conviction and the lack of full and complete insight.

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

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

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

Mr Paul Symonds has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 7 July 2021

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

