



Teaching
Regulation
Agency

Mr Alexander Peredruk: Professional conduct panel outcome

Panel decision and reasons

June 2021

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Professional conduct panel decision

Teacher:	Mr Alexander Peredruk
Teacher ref number:	1572759
Teacher date of birth:	27 April 1989
TRA reference:	0018704
Date of determination:	4 June 2021
Former employer:	St Cuthbert's Roman Catholic High School, Rochdale

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 3 June 2021 by virtual hearing, to consider the case of Mr Alexander Peredruk.

The panel members were Ms Esther Maxwell (lay panellist – in the chair), Mr Diarmuid Bunting (lay panellist) and Mrs Kulvinder Sandal (teacher panellist).

The legal adviser to the panel was Miss Sarah Valentine of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Ms Naomh Gibson, a barrister at Halycon Chambers.

Mr Alexander Peredruk was not present and was not represented at the hearing.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 8 April 2021.

It was alleged that Mr Alexander Peredruk was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, whilst employed as a teacher at St Cuthbert's RC High School, Rochdale (the "School").

- 1) Between approximately March 2016 and March 2018 he:
 - a) searched for and/or
 - b) downloaded and/or
 - c) received and/or
 - d) viewed one or more indecent images of children; and
- 2) His conduct as may be found proven at Allegation 1 was sexually motivated.

Mr Peredruk neither admitted nor denied the facts of the allegations, or that the alleged conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

At the outset of the hearing, the panel identified the following issues to be determined:

- 1 To proceed with the hearing in the teacher's absence

The panel considered an application from the presenting officer to proceed with the hearing in the absence of Mr Peredruk. Notice of the professional conduct hearing was sent to the teacher by post on 8 April 2021.

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

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* [2003] 1 AC1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken into account the various factors drawn to its attention from the case of *R v Jones*.

- i) The panel accepted that the teacher in his written representations, filed by his legal representative, Mr Carr of Burton Copeland LLP, of 2 June 2021 confirmed that he did not wish to attend the professional conduct panel hearing and that he was content for the hearing to proceed in his absence.
- ii) The panel noted that the teacher had, since the Notice of Referral to the TRA on 13 September 2019, continued to engage with the TRA and the presenting officer through correspondence and communications by his representative.
- iii) The teacher had the opportunity to consider the evidence and obtain legal advice in relation to these proceedings. The teacher's representative indicated in writing Mr Peredruk's decision not to attend and confirmed that the hearing may proceed in the teacher's absence.
- iv) The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that he be prohibited from teaching.
- v) The panel noted that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

- vi) The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place during a period whilst Mr Peredruk was employed at the School. The School will have an interest in this hearing taking place in order to move forwards.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witness. On balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of this hearing continuing.

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 2 to 5

Section 2: Teaching Regulation Agency documents – pages 14 to 85

Section 3: Documents from Rochdale Borough Council – pages 86 to 213

Section 4: Teacher documents – pages 214 to 215

The presenting officer submitted on 2 June 2021 written representations received from the teacher's representative. These representations confirmed that the teacher was aware of the professional conduct panel hearing but did not wish to attend and that the evidence of the Detective from Greater Manchester Police ("GMP") was agreed.

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

Witnesses

The panel heard oral evidence from Witness A, a Detective of GMP – Sexual Crime Unit.

No other witnesses attended the hearing to provide evidence. The teacher did not attend and did not file any witness statements or evidence for the panel to consider in these proceedings.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Since 1 September 2015 Mr Alexander Peredruk was employed as a teacher of chemistry at the School. In April 2018, GMP received intelligence via the National Crime Agency, that a person was believed to be accessing the internet to download indecent images of children. This report was linked to an address occupied by Mr Peredruk. Mr Peredruk was interviewed by the Police in October 2018. He resigned from his position at the School on 31 August 2018. No further action was taken by the Police.

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:

Whilst employed as a teacher at St Cuthbert's Roman Catholic High School in Rochdale:

- 1. Between approximately March 2016 and March 2018 you:**
 - a) searched for and/or**
 - b) downloaded and/or**
 - c) received and/or**
 - d) viewed one or more indecent images of children**

The panel accepted that Mr Peredruk was employed as a teacher at the School in the period in which the allegations are made. The panel was provided with a Letter of Employment dated 10 August 2015 confirming the teacher's start date as 1 September 2015. Mr Peredruk remained employed at the School until 31 August 2018, with his last teaching day being 20 July 2018. This was confirmed by the teacher in his Letter of Resignation (undated) to the School.

The panel heard evidence from Witness A that the matters giving rise to the allegations took place in a period between March 2016 and March 2018. This was confirmed in a GMP forensic investigation report dated 22 August 2018.

The panel heard evidence from Witness A that, following receipt of intelligence, a warrant was obtained to attend the address of the teacher to undertake a search of the property and to seize any equipment and devices linked to the Police investigations. A number of devices were seized which included mobile devices, cameras and computer technology.

All items were recovered from the teacher's home. The panel was told that all devices were subject to forensic analysis by the GMP Digital Investigation Unit. A black computer tower which was retrieved from the teacher's address contained artefacts that indicated a number of deleted files which contained names indicative of suspected indecent images of children. Witness A acknowledged that the original file contents and materials were not found however, the footprint of the files remained in place. No other devices seized by GMP contained any material which was linked to indecent images of children.

The panel noted the titles of the 11 deleted files. All filenames retrieved were indicative of indecent images/imagery of children. The panel heard evidence of how a number of the file names with acronyms ([REDACTED]) which are terms known by GMP to commonly refer to explicit sexualised images/imagery of children ([REDACTED]). The panel heard evidence on the titles of the 11 files which included sexually explicit terms involving children [REDACTED].

The panel accepted the evidence of Witness A that familiarity with these terms is indicative of someone who knows about and/or how to search for indecent images of children. The panel also accepted the evidence of Witness A that it would be very unusual for files containing material other than indecent images of children to be named in this way. The panel noted that such terms and references, as found in the filenames located on the teacher's device would not easily be found in standard internet searches or used to label innocent material, for instance a song. Witness A stated that "such references and file names are proactively searched for on the dark web and in messenger groups where indecent images of children are shared and downloaded. They cannot be stumbled across."

The panel considered the forensic investigation report by GMP and whilst the author of the report did not provide oral evidence in the proceedings, Witness A was able to explain the findings of the report to the panel and answer questions in relation to the keyword searches and conclusions.

The panel noted that the filenames found on the teacher's devices are not titles and references that are commonly used. The filenames contained sexual references, sexual activity, children's ages and names. All references of the filenames that were identified in the forensic investigation report by GMP as having been on the teacher's device were indicative of explicit sexualised images/imagery of children. It was noted that it would be clear to the user that the files contained sexually explicit images of children before clicking onto the file or link to view.

In oral evidence, Witness A stated that the "language used would not be known to the reasonable person. The sexually explicit nature of the filenames are routinely seen by GMP in their investigations and are used within these networks/communities and that such filenames will in most instances include sexually explicit images and videos of children."

The panel accepted that the reasonable person would not understand or know of the acronyms and sexually explicit terminology to search and retrieve these indecent images. The panel found that the teacher took proactive steps to find this illegal material. Witness A explained to the panel that the footprint of each of the 11 files, which has seemingly been accessed and stored on the device, were created when the file was clicked open. However, the Police could not determine from their interrogation of the device whether the images were viewed for seconds, minutes or repeatedly viewed. On balance, the panel found that it was likely that, as the images were stored on Mr Peredruk's device and in the absence of any other explanation by Mr Peredruk, he had viewed the indecent images/imagery of children in the 11 files located on his device.

The teacher has been legally represented throughout the Police investigation, School disciplinary proceedings and TRA proceedings. Mr Peredruk has on a number of occasions had the opportunity to advance an explanation as to why the footprint of the 11 files were located on his device and why the illegal activity was identified at his address; at the warrant search and seize, PACE interview, disciplinary proceedings and during the course of this hearing.

Witness A advised the panel that forensic cleaning software was also found on the teacher's device. The panel was told how it was not unusual to identify such software during the course of investigations within the Sexual Crime Unit, but it was unusual for a reasonable user to use such software. The panel was told that this software is highly sophisticated in wiping hard drives, search history and the deletion of files. Such software would proactively be installed onto a device or equipment for the sole purposes of removing content and material in its entirety leaving no trace. Witness A advised how it is "commonly used by offenders who access indecent images of children." Witness A told the panel that it is for this reason the items of the 11 files identified have been deleted but the file footprint remained on the device.

The panel found the evidence of Witness A compelling and found that the presence of said software on the teacher's device supported the allegations before the panel. The presence of such software on the teacher's device demonstrated an intention by Mr Peredruk for his actions to remain undetected to enable his conduct to continue. Additionally, in the absence of any explanation by the teacher of the installation of this software, the panel determined that Mr Peredruk had undertaken the actions listed at 1(a) to 1(d) of the allegations and then took proactive steps to remove any trace or reference of this illegal material.

The panel noted that this was not an isolated incident. It had taken place over a period of 2 years. The panel accepted GMP were unable to determine the level of alleged offending beyond its investigations due to the presence of the forensic cleaning software.

The panel noted that no files, images, links or file footprints were identified on any school equipment or devices used by Mr Peredruk. The panel also acknowledged that the allegations were linked to the teacher's home address and that there was no evidence

that the alleged offending occurred during school time or whilst Mr Peredruk was on school premises. The panel found that all alleged offending had taken place outside the School environment and setting.

On balance, the panel found that Mr Peredruk did search, download, receive and view indecent images and imagery of children between March 2016 and March 2018. Therefore, the allegations 1(a) to 1(d) were found proven.

2. Your conduct as may be found proven at Allegation 1 was sexually motivated.

The panel considered that even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case. Whilst these were serious allegations to determine, and sexual motivation is a particularly serious allegation, the panel noted the explicit sexualised images/imagery referenced in the 11 filenames satisfied this test. A reasonable person would consider that the material contained within the file names to be of a sexual nature, because it is by its nature, sexual.

The panel heard evidence from Witness A that sexual gratification is the usual motivation for similar offences which are investigated by the Sexual Crime Unit. Witness A stated that Mr Peredruk had not indicated during the course of the investigation any alternative explanation such as, research into this topic or that items were sent to him unsolicited which he had then sought to remove.

The panel noted that they had not been provided with any evidence of the teacher's character, or had the opportunity to test Mr Peredruk's credibility or propensity to have carried out the alleged facts. In the absence of any other explanation to the panel for the location of the footprint of the 11 deleted files on the device, on balance the panel found that sexual motivation was the only motivation of the teacher.

The panel found that the presence of the forensic cleaning software was also a factor to consider as this demonstrated that the teacher had taken proactive steps to hide his behaviour. The panel determined, in the absence of any explanation and by virtue of the sexually explicit language and sexual activity referred to in the filenames, that Mr Peredruk's actions were sexually motivated.

Therefore, the allegation was also found proven.

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

Having found a number of 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 was satisfied that the conduct of Mr Peredruk, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, the teacher 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
 - not undermining fundamental British values including the rule of law
- 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 behaviours demonstrated by Mr Peredruk show a clear failure to safeguard and protect children’s well-being in accordance with the statutory framework which underpins the profession. Whilst pupils at the School, were to the panel’s knowledge unharmed, pupils and children at other schools and communities were harmed.

The panel found that the teacher’s actions through searching, downloading, receiving and/or viewing indecent images of children demonstrated a clear failure to follow the rule of law and to have due regard to the policies, practices and ethos of the School. The panel heard evidence on the sexually explicit 11 filenames which were obtained and viewed by the teacher. These file footprints all contained reference to sexually explicit activity with children.

Additionally, the panel determined that such actions showed no respect to those children who were the subjects of such explicitly sexual images/imagery and a direct failure to safeguard those children.

The panel also noted the period of conduct and the steps taken by Mr Peredruk to conceal his behaviour. Such actions are not the attributes of individuals within the profession and clearly demonstrate unacceptable professional conduct and conduct that is likely to bring the profession into disrepute.

The panel was satisfied that the conduct of Mr Peredruk amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Peredruk's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offence of 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 any such activity, including one-off incidents was relevant. 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 noted that the allegations took place outside the education setting. The panel determined that by virtue of the illegal behaviour by the teacher in the searching, downloading, receiving and viewing explicit sexualised images/imagery of children this would prevent Mr Peredruk in fulfilling his teaching role. For example, the panel concluded that Mr Peredruk has and is likely to continue to disregard statutory guidance, namely 'Keeping Children Safe in Education'. The panel determined that in view of the teacher's conduct that he would be unable to uphold and implement the safeguarding policies and protocols a school advocates, which is expected of all teachers to ensure the safeguarding of children. By virtue of the teacher searching, downloading, receiving and/or viewing indecent images of children he is engaging in behaviours that may lead to pupils being exposed and/or influenced by such behaviours in a harmful way. The panel also found that such conduct was incompatible with the teaching profession.

The panel determined that the allegations found proven would have a negative impact on the individual's status as a teacher, potentially damaging the public's perception of them, therefore bringing the profession into disrepute.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of all the particulars proved, the panel further found that Mr Peredruk's conduct amounted to both unacceptable professional conduct and 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.

The panel considered the written representations filed by the teacher's representative dated 31 May 2021 and the oral submissions made by the presenting officer. The panel also considered the references dated 2015 when Mr Peredruk applied for a position at the School.

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, namely 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 Peredruk which involved the searching, downloading, receiving and/or viewing indecent images of children, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if Mr Peredruk's conduct was not treated with the utmost seriousness when regulating the conduct of the profession. The panel concluded that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as Mr Peredruk's conduct was completely outside that which could be tolerated. The panel determined that the teacher's conduct was incompatible with the teaching profession.

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 Peredruk.

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 Peredruk. 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 well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- a deep-seated attitude that leads to harmful behaviour; and
- 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 panel considered all of these factors relevant in this case.

In particular the panel took note that this was not an isolated incident. The misconduct by Mr Peredruk in searching, downloading, receiving and/or viewing indecent images of children led to pupils being exposed and/or influenced by such behaviours in a harmful way.

Notwithstanding that some of the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider any potential mitigating factors which may indicate that a prohibition order would not be appropriate or proportionate.

The panel found that Mr Peredruk's actions were deliberate and sexually motivated. The panel found that there was no evidence to suggest that Mr Peredruk was acting under duress.

The panel considered references submitted by Mr Peredruk in 2015 as part of his application for a position at the School. Whilst these references contained good feedback the panel noted that these were dated 1 year prior to the period of the allegations and therefore prepared without knowledge of the matters subject to these allegations. The teacher provided no additional character references or parental feedback for the panel to consider. The panel heard no positive evidence as to the standard of Mr Peredruk's teaching and noted that he had only been a member of the profession for 1 year prior to the period to which these allegations relate.

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 Peredruk of prohibition.

The panel concluded that a recommendation for prohibition was both proportionate and appropriate. The panel decided that the public interest considerations alongside the serious nature of this misconduct outweighed the interests of Mr Peredruk. The nature of the teacher's misconduct, the fact that it was not an isolated incident, the fact that the teacher appeared to conceal his misconduct through use of specialist software were relevant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel identified two behaviours which would potentially negate a review period:

- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child; and
- serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons.

The panel considered the information provided by the teacher's representative and noted the absence of retrospective learning or insight by the teacher. Therefore, the panel was unable to give any credit for remorse or insight.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

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

The findings of misconduct are particularly serious as they include a finding of searching, downloading, receiving and/or viewing indecent images of children.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would

achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct 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 Peredruk, 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 behaviours demonstrated by Mr Peredruk show a clear failure to safeguard and protect children's well-being in accordance with the statutory framework which underpins the profession. Whilst pupils at the School, were to the panel's knowledge unharmed, pupils and children at other schools and communities were harmed". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered the information provided by the teacher's representative and noted the absence of retrospective learning or insight by the teacher. Therefore, the panel was unable to give any credit for remorse or insight." In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts pupils at risk.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "public confidence in the profession could be seriously weakened if Mr Peredruk's conduct was not treated with the utmost seriousness when regulating the conduct 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, 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 Peredruk himself, "The panel heard no positive evidence as to the standard of Mr Peredruk's teaching and noted that he had only been a member of the profession for 1 year prior to the period to which these allegations relate". However, a prohibition order would prevent Mr Peredruk from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments "The panel decided that the public interest considerations alongside the serious nature of this misconduct outweighed the interests of Mr Peredruk. The nature of the teacher's misconduct, the fact that it was not an isolated incident, the fact that the teacher appeared to conceal his misconduct through use of specialist software were relevant factors in forming that opinion."

Additionally, the panel determined that such actions showed no respect to those children who were the subjects of such explicitly sexual images/imagery and a direct failure to safeguard those children. I have therefore given this considerable weight in reaching my decision.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Peredruk 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, 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 identified two behaviours which would potentially negate a review period:

- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child; and
- serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons."

I have considered whether not allowing a 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, due to the seriousness of the allegations found proven and the potential harm to children a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

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 Andrew Peredruk 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 Peredruk shall not be entitled to a review period.

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

Mr Peredruk 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.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 11 June 2021

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