



Teaching
Regulation
Agency

Mr Thomas Heayel: Professional conduct panel meeting outcome

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

June 2022

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

Teacher:	Mr Thomas Heayel
Teacher ref number:	1857413
Teacher date of birth:	1 April 1991
TRA reference:	20187
Date of determination:	24 June 2022
Former employer:	St Columb Minor Academy, Newquay

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 24 June 2022 by way of a virtual meeting, to consider the case of Mr Thomas Heayel.

The panel members were Ms Shamaila Qureshi (lay panellist – in the chair), Ms Hannah Fellows (lay panellist) and Mr Adrian Meadows (teacher panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts 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 Heayel that the allegations be considered without a hearing. Mr Heayel provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jacob Rickett of Capsticks solicitors, Mr Heayel or any representative for Mr Heayel.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 14 June 2022.

It was alleged that Mr Heayel was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as a full time primary school class teacher at St Columb Minor Academy (Part of the Kernow Learning MAT) ('the School'):

1. Between 1 February 2020 and 31 July 2020 he posted or allowed to be displayed one or more inappropriate images of himself on the internet; and
2. Between 1 February 2020 and 31 July 2020 he posted or allowed to be displayed one or more images, messages and / or comments on the internet offering to sell sexual services.

Mr Heayel admitted the facts of allegations 1 and 2 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the response to the notice of referral signed on 21 February 2022 and in the statement of agreed facts signed by Mr Heayel on 7 April 2022.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 3 to 4
- Section 2: Notice of referral, response and notice of meeting – pages 5 to 12
- Section 3: Statement of agreed facts and presenting officer representations – pages 13 to 19
- Section 4: Teaching Regulation Agency documents – pages 20 to 52
- Section 5: Teacher documents – pages 53 to 54
- Sensitive images bundle – pages 2 to 9

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 Heayel on 7 April 2022.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Heayel 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.

Mr Heayel commenced employment with the School on 1 September 2019.

Between 1 February 2020 to 31 July 2020 Mr Heayel was alleged to have posted or allowed to be displayed, inappropriate images of himself on the internet and one or more images, messages and/or comments on the internet offering to sell sexual services.

On 7 July 2021, the Local Authority Designated Officer ('LADO') identified concerns about Mr Heayel and contacted the School to make them aware of these. Mr Heayel was suspended from the School.

On 23 July 2021, Mr Heayel was dismissed by the School.

The matter was referred to the TRA on 28 July 2021.

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:

- 1. Between 1 February 2020 and 31 July 2020 you posted or allowed to be displayed one or more inappropriate images of yourself on the internet; and**
- 2. Between 1 February 2020 and 31 July 2020 you posted or allowed to be displayed one or more images, messages and / or comments on the internet offering to sell sexual services.**

The panel noted that within both the response to the notice of referral, signed on 21 February 2022, and in the statement of agreed facts, signed by Mr Heayel on 7 April 2022, Mr Heayel admitted the facts of allegations 1 and 2.

Mr Heayel admitted that inappropriate images of himself were posted on the internet together with images, messages and comments offering to sell sexual services. Further, Mr Heayel admitted that his actions amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Notwithstanding this, the panel considered the evidence provided in the bundle and made its own determination based on the evidence available to it.

The panel considered the evidence which contained screenshots of the images and noted that one image in particular contained Mr Heayel's name. The panel further noted that the images contained wording offering to sell sexual services.

The panel identified in the bundle there was evidence of several instances where Mr Heayel fully admitted his conduct and the posting / displaying of images, messages and/or comments on the internet offering to sell sexual services. This was supported by documentary evidence.

The panel found allegations 1 and 2 proved.

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

Having found 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 Heayel in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Heayel 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;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach; and
- 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 Heayel fell significantly short of the standards expected of the profession.

The panel considered whether Mr Heayel's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences were relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside of the education setting in that Mr Heayel was displaying images of himself and offering to sell sexual services on a website. The panel however considered that Mr Heayel's conduct was relevant to his position as a teacher. In this regard, the panel specifically noted that Mr Heayel's job description included setting *"a good example through personal presentation and personal and professional conduct."*

Whilst the panel had regard to the fact that there was no evidence presented that any pupils had seen or accessed the images online, the panel did consider that as a teacher Mr Heayel was likely to be viewed as a role model by pupils.

The panel noted that whilst the website where Mr Heayel posted the images was restricted, the images could also be accessed via a generic internet search and one image contained Mr Heayel's name. Consequently the images were in the public domain enabling any member of the public, or pupil, to have sight of them. The panel therefore concluded Mr Heayel's behaviour would undoubtedly damage the public's perception of the teaching profession and there were public interest factors to consider.

Accordingly, the panel was satisfied that Mr Heayel 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 they behave.

The panel determined the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of the particulars of allegations 1 and 2 proved, the panel further found that Mr Heayel'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/or conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Heayel, which involved posting or allowing inappropriate images of himself to be displayed on the internet, including the offer of selling sexual services, there was a strong public interest consideration.

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

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 Heayel.

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 Heayel. 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; and
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature.

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 regarded Mr Heayel's actions as deliberate and noted that there was not any evidence to suggest that he was acting under extreme duress.

Limited evidence was submitted to attest to Mr Heayel's previous history as a teacher or which demonstrated exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector.

The panel noted that positive references were contained within the bundle however, these were relevant to Mr Heayel's application for employment at the School. The documentation before the panel contained little evidence to suggest that Mr Heayel's contribution to the profession had been either long term or significant. The panel further noted that no additional references, since the misconduct occurred, had been provided to them to consider.

The panel took into account the contents of two emails sent by Mr Heayel to the TRA dated 2 November 2021 and 16 March 2022. In these emails Mr Heayel submitted that his behaviour occurred [REDACTED]. He stated that he was [REDACTED]. In addition, he made reference to [REDACTED]. The panel noted that no evidence had been presented to them in support of Mr Heayel's submissions.

The panel concluded from the evidence before them that Mr Heayel had insight into his actions. It was noted that he had never sought to deny his misconduct and the panel considered that he had been open and honest about his behaviour.

The panel accepted that whilst the images ended up in the wider public domain, there was no evidence that Mr Heayel ever intended for them to be viewed beyond the restricted website where they were posted. It was apparent from the documentation before the panel that it was Mr Heayel's intention for the images to be contained on the website with restricted access.

The panel took into account that Mr Heayel submitted that the media profiles were closed many months before the allegations were made and that Mr Heayel was aware that this did not excuse his actions. It was clear to the panel that Mr Heayel was remorseful.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Heayel 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 Heayel. The facts that the images were inappropriate and of a sexual nature; offering to sell sexual services and ended up in the public domain were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found that Mr Heayel was not responsible for any such behaviours.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that Mr Heayel was not responsible for any such behaviours.

Whilst the panel concluded Mr Heayel's behaviour was serious and of a sexual nature, when taking into account as a whole the circumstances and evidence presented to them, the panel concluded that the misconduct was towards the lower end of the spectrum of sexual misconduct. The panel placed significant weight upon Mr Heayel's admissions, insight and remorse into his behaviour, and his awareness of the consequences his actions have had for the School and the teaching profession.

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 two year 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 Heayel should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Heayel 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;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach; and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also, “satisfied that the conduct of Mr Heayel fell significantly short of the standards expected of the profession.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct 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 Heayel, 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, or, safeguard pupils. The panel has observed, “The panel however considered that Mr Heayel’s conduct was relevant to his position as a teacher. In this regard, the panel specifically noted that Mr Heayel’s job description included setting *“a good example though personal presentation and personal and professional conduct.”*”

Whilst the panel had regard to the fact that there was no evidence presented that any pupils had seen or accessed the images online, the panel did consider that as a teacher Mr Heayel was likely to be viewed as a role model by pupils.”

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 concluded from the evidence before them that Mr Heayel had insight into his actions.” The panel also say, “It was clear to the panel that Mr Heayel was remorseful.”

I have given this element considerable weight in reaching my overall 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 determined the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

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 Heayel himself. The panel comment “Limited evidence was submitted to attest to Mr Heayel’s previous history as a teacher or which demonstrated exceptionally high standards in both personal and professional conduct or that he has contributed significantly to the education sector.

The panel noted that positive references were contained within the bundle however, these were relevant to Mr Heayel’s application for employment at the School. The documentation before the panel contained little evidence to suggest that Mr Heayel’s contribution to the profession had been either long term or significant. The panel further

noted that no additional references, since the misconduct occurred, had been provided to them to consider.”

A prohibition order would prevent Mr Heayel 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 decided that the public interest considerations outweighed the interests of Mr Heayel. The facts that the images were inappropriate and of a sexual nature; offering to sell sexual services and ended up in the public domain were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.”

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

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

I have considered the panel's comments and support that view.

I consider therefore that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Thomas Heayel 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 5 July 2024, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Thomas Heayel remains prohibited from teaching indefinitely.

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

Mr Thomas Heayel 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: 28 June 2022

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