



National College for
Teaching & Leadership

Mr Andrew Beasley: Professional conduct panel outcome

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

May 2016

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

Teacher: Andrew Beasley
Teacher ref number: 9536868
Teacher date of birth: 15 January 1974
NCTL case reference: 0013087
Date of determination: 3 May 2016
Former employer: Eston Park School

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 3 May 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Andrew Beasley.

The panel members were Colin Parker (teacher panellist – in the chair), Susan Iannantuoni (lay panellist) and Melvyn Kershaw (teacher panellist).

The legal adviser to the panel was Mr Guy Micklewright of Blake Morgan LLP solicitors.

The presenting officer for the National College was Kayleigh Brooks of Browne Jacobson LLP solicitors.

Mr Andrew Beasley was present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 29 February 2016.

It was alleged that Mr Andrew Beasley was guilty of having been convicted of a relevant offence, in that:

You were convicted on 24 April 2014 at Teesside Crown Court of the following offences:

1. Exposure between 01/09/10 – 31/03/11 contrary to s66 of the Sexual Offences Act 2003 for which you were sentenced to a community order for a period of 11 months and a victim surcharge of £60.00;
2. Exposure between 31/07/12 – 01/09/12 contrary to s66 of the Sexual Offences Act 2003 for which you were sentenced to a community order for a period of 11 months;
3. Exposure on 14/08/2013 contrary to s66 of the Sexual Offences Act 2003 for which you were sentenced to a community order for a period of 11 months and costs of £800.00.

Mr Beasley in an Agreed Statement of Facts admitted the fact of the three convictions as well as that they each amount to a relevant offence.

C. Preliminary applications

The panel considered an application from the Presenting Officer to replace pages 15 to 20 of the hearing bundle with copies which had certain passages redacted. The redacted passages were passages which made reference to a previous complaint which had been made against Mr Beasley which formed the subject matter of a police investigation which resulted in a decision to take no further action against him. The subject matter of that complaint forms no part of the allegations against Mr Beasley. The application was unopposed.

The panel granted the application. Whilst the panel considered that it was able to put the passages in question out of its mind, the panel decided that it was desirable to have redacted copies placed before it so that it could be in no doubt what material it should and should not have regard to.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Proceedings and Response – pages 4 to 9

Section 3: NCTL witness statements – Not Applicable

Section 4: NCTL documents – pages 11 to 35

Section 5: Teacher documents – pages 36 to 42

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

Witnesses

The panel heard oral evidence from Mr Beasley. No witnesses were called by the NCTL.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Andrew Beasley had been employed at Eston Park School from 1 September 2000 until 30 September 2013, eventually being promoted to Assistant Headteacher. On 24 April 2014, at the Crown Court at Teesside, Mr Beasley was convicted of three counts of exposure, contrary to section 66 of the Sexual Offences Act 2003. In respect of each count he was sentenced to a community order for 11 months, to run concurrently. In respect of count 1, he was ordered to pay a victim surcharge of £60. He was, in addition, ordered to pay £800 towards the costs of the prosecution.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation(s) against you proven, for these reasons:

You were convicted on 24 April 2014 at Teesside Crown Court of the following offences:

- 1. Exposure between 01/09/10 – 31/03/11 contrary to s66 of the Sexual Offences Act 2003 for which you were sentenced to a community order for a period of 11 months and a victim surcharge of £60.00;**

2. **Exposure between 31/07/12 – 01/09/12 contrary to s66 of the Sexual Offences Act 2003 for which you were sentenced to a community order for a period of 11 months;**
3. **Exposure on 14/08/2013 contrary to s66 of the Sexual Offences Act 2003 for which you were sentenced to a community order for a period of 11 months and costs of £800.00.**

Each conviction was admitted by Mr Beasley. In addition, the panel had before it an appropriately signed certificate of conviction from the Crown Court, certifying that Mr Beasley had been convicted of the offences alleged. Accordingly, the panel found all particulars of the allegations proven.

Findings as to conviction of a relevant offence

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to conviction of relevant offences.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Beasley in relation to the facts it has found proved, involved breaches of the Teachers’ Standards. We consider that by reference to Part Two, Mr Beasley is in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - showing tolerance of and respect for the rights of others;

The panel has taken into account the contents of the documentary evidence before it and the circumstances described in the North Yorkshire County Council "Record of Strategy Discussion" document. It notes Mr Beasley's admission that the offences amount to relevant offences.

The panel has taken account of how the teaching profession is viewed by others. The panel considered that Mr Beasley's 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 the teacher’s behaviour did not lead to a sentence of imprisonment which is indicative of the fact that the offence was at the less serious end of the possible spectrum.

However, this is a case involving offences involving sexual activity, which the Advice states is likely to be considered a relevant offence. Whilst the panel noted that the offences in question were committed outside of the education setting, the panel considered that the repeated and serious nature of the offending is such that each conviction can properly be seen as a relevant conviction.

The panel considers that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of relevant offences, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils and other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In light of the panel's findings in respect of Mr Beasley, which involve the commission of three offences of exposure over a period of three years, there is a strong public interest consideration in the protection of members of the public given the fact that the conviction represents intentionally exposing his genitals to members of the public on three occasions.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Beasley were not treated with the utmost seriousness when regulating the conduct of the profession. Furthermore, the panel considered that there was a strong public interest consideration in declaring proper standards of conduct in the profession, as the conduct found against Mr Beasley was outside that which could reasonably be tolerated. Mr Beasley was at the time an Assistant Headteacher and, accordingly, should have demonstrated the highest standards of personal conduct and integrity.

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 Beasley. The panel noted

in that regard that Mr Beasley gave evidence that he had now found an alternative career path and would be able to continue to provide for himself in the event that he was prohibited from teaching. It also noted the positive testimonial evidence about his abilities as a teacher from his previous Headteacher, although it is right to say that one reference was written for the purposes of a job interview which took place prior to the allegations being made and the other reference was written for the purposes of the criminal proceedings. Neither testimonial was written for the purpose of the proceedings before the panel and both were written prior to the convictions.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Beasley. 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 proven. 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;
- sexual misconduct, eg 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;
- 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.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. Mr Beasley has said in his evidence that his actions were not deliberate and described what occurred as an "accident". However, the elements of each offence requires the panel to treat the actions of Mr Beasley as deliberate and it accordingly does so.

There was no evidence to suggest that the teacher was acting under duress.

The teacher did have a previously good history and the panel has taken that into account. The panel noted that the references provided by his previous Headteacher demonstrate that he was a good and effective teacher and, indeed, he was promoted during the course of his career to the role of Assistant Headteacher.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Beasley. The offences Mr Beasley was convicted of were serious and demonstrate behaviour which was a serious departure of the standards expected of teachers. The panel is concerned that Mr Beasley appears to lack real insight into his offending, maintaining as

he does that the incidents of exposure were accidental. Accordingly, the panel makes 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 that a review period of the order should be considered. The panel is mindful that the Advice advises 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 proven, would militate against a review period being recommended. One of these behaviours is serious sexual misconduct, eg 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 their professional position to influence or exploit a person or persons. Whilst Mr Beasley has not abused his position of trust as a teacher, he has nevertheless put members of the public at risk of harm and behaved in a wholly unacceptable manner. The panel has found that Mr Beasley has limited insight into his conduct.

The panel felt 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 recommendations made by the panel in respect of sanction and review period.

This case involves criminal convictions of a serious and sexual nature. The panel has found that the offences are relevant and that Mr Beasley is in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - showing tolerance of and respect for the rights of others;

I have taken into account the guidance published by the Secretary of State and taken into account the need to be proportionate. I have also taken into account the need to balance the public interest with the interests of Mr Beasley.

Mr Beasley's behaviours that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- sexual misconduct, eg 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;
- 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.

I have carefully considered the recommendation made by the panel. For the reasons set out I support the panel and agree that Mr Beasley should be prohibited from teaching.

I have also considered the matter of a review period. I have noted the panel's comments on insight.

Mr Beasley's behaviours are unacceptable and he appears to have little insight. I therefore support the recommendation that there be no review period.

This means that Mr Andrew Beasley 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 Andrew Beasley 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 Andrew Beasley 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: 4 May 2016

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