

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Andrew Ford

Teacher ref no: 10/69678

Teacher date of birth: 28 November 1987

TA Case ref no: 9335

Date of Determination: 3 December 2012

Former Employer: Chellaston Academy, Derby and Burleigh College, Loughborough

A. Introduction

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 3 December 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Andrew Ford.

The Panel members were Mrs Fiona Tankard (Teacher Panellist – in the Chair), Ms Nicole Jackson (Lay Panellist) and Mr William Nelson (Lay Panellist).

The Legal Adviser to the Panel was Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Louisa Atkin of Browne Jacobson solicitors. Ms Atkin was not present during the meeting.

Mr Ford was not present and was not represented during the meeting.

Mr Ford requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegation as is set out in the Notice of Meeting dated 13 November 2012.

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

Mr Ford was convicted on 25 April 2012 at Loughborough Magistrates' Court of the offence of installing equipment with the intention of enabling himself, for the purpose of obtaining sexual gratification, to observe another person doing a private act, knowing that person did not consent to being observed for his sexual gratification, contrary to section 67(4) and (5) of the Sexual Offences Act 2003. Mr Ford committed this offence on 7 August 2011. As a result of this conviction, he was

sentenced to a Community Order with a requirement to participate in a Sex Offender Treatment Programme for 30 days and was required to register with the police for 5 years from 30 May 2012. Mr Ford was ordered to pay £500 and the spy pen that was in his possession was forfeited and destroyed.

Mr Ford accepts the allegation, as is set out in the Notice of Meeting of 13 November 2012. He accepts that the conviction is for a relevant offence.

C. 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 Referral & Response	Pages 4 – 7b
Section 3	Statement of Agreed Facts/Facts Representations	Pages 9 - 15
Section 4	Teaching Agency Documents	Pages 19 - 41

The Panel accepted an additional letter dated 28 November 2012 from the Teaching Agency to Mr Ford which notified him of the change of panellist.

D. Decision and Reasons

The Panel announced its decision and reasons as follows:

"We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Summary

Mr Andrew Ford, whose date of birth is 26 November 1987, was employed as a teacher at Chellaston Academy, Derby from 1 September 2011 until 31 May 2012. He had formerly been employed at Burleigh College Loughborough during the 2010/11 academic year. On 25 April 2012 Mr Ford was convicted of an offence of 'voyeurism' contrary to the Sexual Offences Act 2003. The conviction related to an incident which involved a 17 year old former pupil A. Mr Ford was convicted of placing a "spy pen" device in A's bedroom during the time when A lived in the same house as Mr Ford on 7 August 2011. Mr Ford appealed the conviction, but the appeal was rejected. He was sentenced to a two year supervision order and was placed on the Sexual Offenders Register for five years.

The Panel considered the allegation set out in the Notice of Meeting dated 13 November 2012.

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

He was convicted on 25 April 2012 at Loughborough Magistrates' Court of the offence of installing equipment with the intention of enabling himself, for the purpose of obtaining sexual gratification, to observe another person doing a private act, knowing that person did not consent to being observed for his sexual gratification, contrary to section 67(4) and (5) of the Sexual Offences Act 2003.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Ford proven, for these reasons:

We have considered the Memorandum of Conviction which records that Mr Ford was convicted of the alleged offence on 25 April 2012. We have considered the details recorded on the Police National Computer.

We have carefully considered the Agreed Statement of Facts and we have noted Mr Ford's admission.

We find it proven that Mr Ford was convicted as alleged.

Findings as to Conviction of a Relevant Offence

Having found the facts of the allegation proven, we further find that the conviction is one of a relevant offence. We have noted that Mr Ford accepts that the offence of which he was convicted is a relevant offence.

The conviction is for the offence of voyeurism. We have noted that the offence involves the installation of equipment with the intention of enabling himself, for sexual gratification, to observe without consent a former pupil doing a private act. Such an offence has material relevance to his fitness to be a teacher. Such a conviction is contrary to the standards of personal and professional conduct expected of a teacher. "

Panel's Recommendation to the Secretary of State

We have considered the evidence in this case carefully and have considered Mr Ford's statement very carefully.

We considered whether it was appropriate for this case to be concluded without recommending that an order be imposed. However, given the seriousness of the nature of the offence for which Mr Ford was convicted we believe that it is necessary to recommend that an order be imposed.

We have noted that Mr Ford accepts that he has been convicted, although it is clear that he does not accept that he committed the actions of which he was convicted.

Mr Ford acted in a manner which shows a series of deliberate acts which are involved in the installation of a spy device. It appears from the evidence that, at first, he denied being responsible for installing the device. We view his actions in the professional context very seriously. His actions have the potential to affect the reputation of the profession and to undermine public confidence in the maintenance of the standards expected of the profession. We are also concerned that Mr Ford has been convicted of an offence which includes a requirement that he installed the device for his own sexual gratification. As a result of this conviction, he was sentenced to a Community Order with a requirement to participate in a Sex Offender Treatment Programme for 30 days and was required to register with the police for 5 years from 30 May 2012. We note that the conviction is for a single offence, but we have no seen no information that Mr Ford has shown insight into the seriousness and consequences of his actions.

Mr Ford's conduct has fallen far below the standard expected of a teacher. We are of the view that his behaviour has the potential to undermine the reputation of the profession and to significantly damage public confidence in the standards expected of Teachers.

We have considered Mr Ford's mitigation very carefully. We note that Pupil A was not a current pupil of Mr Ford at the time of the offence and that Mr Ford was an inexperienced teacher. We believe that Mr Ford's actions represent a fundamental departure from the standards of conduct which can appropriately be expected of the profession.

We have reminded ourselves that a sanction which is imposed is not intended to act punitively, but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards expected of the profession and to protect the public and/or pupils. We have decided that it is necessary and proportionate to recommend that a Prohibition Order should be imposed in this case in order to reflect the seriousness of Mr Ford's behaviour. It is also necessary to recommend a prohibition in order to recognise the seriousness of the nature of the offence of which Mr Ford was convicted. It is also necessary in order to uphold public trust and confidence in the standards of conduct expected of the profession. We recommend that a Prohibition Order should be imposed immediately.

We have carefully considered whether to recommend that Mr Ford be allowed the opportunity to apply to set aside the Prohibition Order. We have considered this case and his mitigation carefully. Given the seriousness with which we view his behaviour; our concern that he has not shown insight into the nature and consequences of his conduct; and the impact upon the reputation of the profession we have decided that it is not appropriate to recommend that Mr Ford be entitled to apply to set aside the Order.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendation of the panel both in terms of sanction and review period. This is a case which arose

from a conviction which Mr Ford received for an offence of 'voyeurism' contrary to the Sexual Offences Act 2003.

The panel have found the facts proved and that the conviction is a relevant one. This was an offence that was committed deliberately and purposively.

It is an offence that has the potential to seriously damage the reputation of the profession and is behaviour that falls significantly short of that expected of a teacher.

Mr Ford has shown little insight into his behaviour.

I have considered the public interest and the proportionality of following the recommendation of the panel and I conclude that Mr Ford should be prohibited from teaching.

I have also considered the recommendation in respect of the review period. I consider that given the seriousness of this case and impact that this behaviour has on the public reputation of the profession Mr Ford should not be permitted a review period.

This means that Mr Andrew Ford 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 allegation found proved against him, I have decided that Mr Andrew Ford 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 Ford 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.

NAME OF DECISION MAKER: Alan Meyrick
Date 4 December 2012