



National College for
Teaching & Leadership

Mr Andrew Eades: Professional Conduct Panel outcome

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

July 2014

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Professional Conduct Panel decision and recommendations, and decision of behalf of Secretary of State

Teacher:	Mr Andrew Eades
Teacher ref no:	11/63789
Teacher date of birth:	28 July 1988
NCTL Case ref no:	0010046
Date of Determination:	1 July 2014
Former employer:	Kingsthorpe College

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 1 July 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Andrew Eades.

The Panel members were Dr Robert Cawley (Teacher Panellist– in the Chair), Mr Mike Carter (Teacher Panellist) and Ms Jean Carter (Lay Panellist).

The Legal Adviser to the Panel was Mrs Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Laura Hackney of Browne Jacobson Solicitors. Mr Eades was not represented.

This case was convened as a meeting and therefore neither the Presenting Officer, nor Mr Eades, were present.

The meeting took place in private and was not recorded, save for the public announcement of the Panel’s decision on the facts and whether the facts amounted to conviction, at any time, of a relevant criminal offence, which was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 30 May 2014.

It was alleged that Mr Eades was guilty of having been convicted, at any time, of the following relevant offences:

1. Voyeurism – install equipment / construct / adapt structure W/I enabling one to record person doing a private act 01/01/13 – 01/02/13. Sexual Offences Act 2003 s 67(4).

Disposal: community order of 3 years, Programme requirement, Sex Offences Act 2003 s67(4).

2. Voyeurism – install equipment / construct/ adapt structure W/I enabling one to record person doing a private act on 27/01/2013 – 01/02/2013. Sexual Offences Act 2003 s 67(4).

Disposal: community order of 3 years (concurrent).

3. Voyeurism – install equipment/ construct./ adapt structure W/I enabling one to record person doing a private act on 31/01/2013. Sexual Offences Act 2003 s67(4).

Disposal: community order of 3 years (concurrent).

Mr Eades admitted the facts of the allegation against him and that they amount to a conviction, at any time of a relevant offence.

C. Preliminary applications

There were no preliminary applications, save for the application referred to below regarding a request by Mr Eades for the details of the allegations not to be made public. This was dealt with by the Panel following its decision on the facts and whether there was a conviction of a relevant offence.

D. Summary of evidence

Documents

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

Section 1: Chronology pages 1 – 2

Section 2: Notice of Referral Response and Notice of Meeting pages 3 – 9a

Section 3: Statement of Agreed Facts and Presenting Officer Representations

Pages 10 – 14

Section 4: National College for Teaching and Leadership Documents

Pages 15 - 84

Section 5: Teacher Documents

Pages 85 - 91

The Panel Members confirmed that they had read all of the documents in advance of the meeting.

Witnesses

Convened as a meeting, the Panel heard no oral evidence.

E. 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.

On 31 January 2013, a mobile phone set to record was found in a toilet cubicle in Kingsthorpe Community College (“the School”) used by staff, but which can also be used by pupils of the School. The phone was examined and it was found that Mr Eades had placed the mobile phone at the rear of the toilet. Mr Eades was subsequently arrested and interviewed by the police on 1 February 2013. He was released on bail. On 5 February 2013, Mr Eades was suspended from the School. A further police interview took place on 11 February 2013. He was dismissed from the School on 29 March 2013. He was subsequently convicted for three offences of voyeurism on 23 December 2013.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

Voyeurism – install equipment / construct / adapt structure W/I enabling one to record person doing a private act 01/01/13 – 01/02/13. Sexual Offences Act 2003 s 67(4).

Disposal: community order of 3 years, Programme requirement, Sexual Offences Act 2003 s67(4).

The Panel has seen the Court Record of Northampton Crown Court confirming that Mr Eades pleaded guilty and was convicted of the offence of voyeurism, committed in a shop between 1 January 2013 and 1 February 2013. Mr Eades has also admitted having been convicted of this offence. This allegation is therefore found proven.

Voyeurism – install equipment / construct/ adapt structure W/I enabling one to record person doing a private act on 27/01/2013 – 01/02/2013. Sexual Offences Act 2003 s 67(4).

Disposal: Community order of 3 years (concurrent).

The Panel has seen the Court Record of Northampton Crown Court confirming that Mr Eades pleaded guilty and was convicted of the offence of voyeurism, committed in the School between 27 January 2013 and 1 February 2013. Mr Eades has also admitted having been convicted of this offence. This allegation is therefore found proven.

3. Voyeurism – install equipment/ construct/ adapt structure W/I enabling one to record person doing a private act on 31/01/2013. Sexual Offences Act 2003 s 67(4).

Disposal: Community order of 3 years (concurrent).

The Panel has seen the Court Record of Northampton Crown Court confirming that Mr Eades pleaded guilty and was convicted of the offence of voyeurism, committed in the School on 31 January 2013. Mr Eades has also admitted having been convicted of this offence. This allegation is therefore found proven.

Findings as to Conviction of a relevant offence

The Panel is satisfied that the conduct of Mr Eades in relation to the facts it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Eades is in breach of the overarching requirement to demonstrate consistently high standards of personal and professional conduct, and 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;

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The Panel noted that Mr Eades' actions were relevant to teaching, working with children and/or working in an education setting. The mobile phone was placed in a school toilet cubicle with the intention of capturing images/video footage of staff using the toilet facility. Those toilets were used by staff but could also be used by pupils of the school. This demonstrated a lack of respect for the privacy of colleagues and breached the trust and confidence placed in Mr Eades as an employee of the school. Whilst the Sentencing Remarks specifically state that children were not involved, by engaging in this activity, Mr Eades failed to properly safeguard the children who could have used those toilet facilities.

The Panel considered from its experience, that the School would have had in place policies and expectations that mobile phones would not be used in the manner described in the allegations. The Panel noted that Mr Eades had been trained in safeguarding and had Child Exploitation and Online Protection (CEOPs) training which would have covered misuse of electronic equipment.

The Panel noted that the behaviour involved in committing the offence could have caused his work colleagues distress. Similarly, since the first conviction related to an offence committed in a shop, members of the public could have similarly been distressed had they realised that they were the subject of voyeuristic interest.

The Panel has also taken account of how the teaching profession is viewed by others. The Panel considered that Mr Eades' behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The Panel noted that Mr Eades' behaviour did not lead to a sentence of imprisonment. However, Mr Eades had a community order placed upon him for three years and was required to complete the Sex Offenders' Programme within those three years. Mr Eades was also prevented from possessing any device capable of storing digital images or videos unless he makes it available on request for inspection by delegated representatives of the Chief Constable of the area in which he lives. The Panel noted

that the Judge remarked that he was satisfied that there is a significant risk of serious sexual harm being caused to members of the public by the commission of such offences. He went on to state that “victims, when they discover what has happened to them are subjected to the most gross distress and potential psychiatric response to having been filmed in a private act and it is that harm, potential harm, against which it is appropriate to guard”. The Panel, turning its own independent mind to this case, agreed with those remarks.

This is a case involving an offence of sexual activity which the Teacher Misconduct: Prohibition of Teachers Advice (“the Guidance”) states is likely to be considered a relevant offence.

The Panel has taken into account that Mr Eades has made representations that he was not aware of children using the toilet facilities in the School in which two of the offences occurred. The Panel noted that Mr Eades has not addressed in the Agreed Statement of Facts whether he was aware of whether children could have been filmed when undertaking the activity in a shop. The Police summary of evidence stated that he conceded that he could have accidentally filmed children, but that he never did. The Panel has also taken into consideration Mr Eades’ account that he clearly had an issue at the time, which he is now addressing. Mr Eades has not elaborated how he is addressing the issue.

The Panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher’s ongoing suitability to teach. 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.

The Panel considered an application by Mr Eades for the details of this decision not to be made public. Paragraph 4.72 of the Procedures requires the Panel to announce whether it is satisfied that the facts of the case have been proved and if so, whether those facts amount to conviction, at any time, of a relevant offence. Paragraph 4.58 of the Procedures specifically relates to a hearing, but provides useful guidance since it covers the situation where a Panel decides to hold a hearing in private, which is akin to the situation in a Meeting. It states that, in those circumstances, the Panel still has to announce in public its decision regarding whether the facts have been proven and whether those facts amount to conviction of a relevant offence and that the Secretary of State’s decision (should there be one) will also still be made public. Regulation 15(1) of the Teachers’ Disciplinary (England) Regulations 2012 (the “Regulations”) require that if a prohibition order is made, information has to be published which includes the teacher’s name, date of birth and teacher reference number; the name of the institution at which the teacher was last employed; the date on which the prohibition order was made and the reasons for making the order.

The Panel gave consideration to the public interest and considered that it was weighted in favour of decisions being announced in public, including details of the offending behaviour. This was required in order to signal to the profession what is considered to be unacceptable behaviour. The Panel did not consider that the reasons Mr Eades gave for requesting that the details of his behaviour be kept private were over and above the concerns that many teachers before this Panel would experience. This was not therefore sufficient to override the transparency of these proceedings. The Panel also noted that this case concerns the conviction of a criminal offence, and that those proceedings would have been conducted in a public court. The Panel therefore refused Mr Eades' application.

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 Guidance. Having done so has found all of them to be relevant in this case, namely the protection of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of pupils and members of public given the distress that could have been caused to colleagues or other members of the public and there was a risk of pupils being filmed.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Eades is not treated with the utmost seriousness when regulating the conduct of the profession.

The Panel considered that the conduct found against Mr Eades 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 Eades.

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 Eades. The Panel took further account of the Guidance, 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;
- misconduct seriously affecting the education and/or wellbeing of pupils, and particularly where there is a continuing risk;
- actions or behaviours that undermine fundamental British values, particularly relating to the law and lack of respect of the rights of others;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- 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.

There were behaviours that would point to a Prohibition Order being appropriate. However, 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. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by a family member and a retired police officer, both of which confirmed that the offences committed were out of character and attested to his dedication and work ethic. The Panel was also mindful of the fact that prior to these convictions, Mr Eades was considered to be a person of good character with no previous criminal or disciplinary sanctions record against him.

Mr Eades has stated that there was no premeditation or planning. However, the Panel considers that Mr Eades' actions were deliberate, given that his actions were repeated, and that this behaviour is not such that it could have been committed inadvertently. There was no evidence to suggest that the teacher was acting under duress, and in fact the Panel found the teacher's actions to be sexually motivated. The Panel were concerned that Mr Eades' actions may have escalated had his behaviour not been discovered.

The Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Eades. The

Panel considered this to be such a significant breach of trust that it was incompatible with him teaching in a school. 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 them to decide to recommend there be a review period of the order. The Panel were mindful that the Guidance 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 two years.

The Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours include 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. The Panel has found that Mr Eades has been responsible for sexually motivated misconduct which could have caused distress to those who were filmed, including colleagues.

The Panel has noted that it has received no evidence to confirm the steps that Mr Eades is taking to ensure he is rehabilitated other than he has stated that he is taking part in a treatment programme. The Panel were concerned at Mr Eades' level of insight, beyond expressing remorse, given that he has said that there was no premeditation or planning and that he is not a threat to anyone.

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 of the panel both in respect of sanction and review period.

This is a very serious case which the panel has examined thoroughly. The panel has found that the convictions that Mr Eades has been given are relevant.

The panel has gone on to consider whether to recommend a prohibition order. The panel has identified that Mr Eades's conviction falls clearly into the category of cases where the guidance published by the Secretary of State is very clear that a prohibition order is likely, namely:

- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

- 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 therefore support the recommendation that a prohibition order is appropriate, having also taken into account the balancing interest of Mr Eades with the wider public interest.

I have also given consideration to the matter of a review period. The panel has given its reasons for recommending that there should be no review period. I also agree with those reasons and consider that a prohibition order with no review period is proportionate and in the public interest.

This means that Mr Andrew Eades 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 Eades 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 Eades 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: 2 July 2014

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