



National College for  
Teaching & Leadership

# **Mr Edward Paul Moore: Professional conduct panel outcome**

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

**November 2016**

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

**Teacher:** Mr Edward Paul Moore

**Teacher ref number:** 1087144

**Teacher date of birth:** 1 June 1990

**NCTL case reference:** 12520

**Date of determination:** 22 November 2016

**Former employer:** [redacted] School

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 November 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Edward Paul Moore.

The panel members were Mr Geoffrey Penzer (lay panellist – in the chair), Ms Fiona Tankard (teacher panellist) and Ms Susan Iannantuoni (lay panellist).

The legal adviser to the panel was Victoria Callicott of Eversheds LLP.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 November 2016.

It was alleged that, Mr Edward Paul Moore, is guilty of having been convicted of a relevant offence, in that:

- 1. On 13 March 2015 at Guildford Crown Court he was convicted of the offence of engaging in sexual activity with a Female 13-17 years, where the offender does not reasonably believe the victim to be 18 years old and Abuses a Position of Trust, contrary to Section 16 (1)(a) of the Sexual Offences Act 2003. He was sentenced to 5 months Imprisonment and to sign on the Sex Offenders Register for a period of 10 years;**
- 2. On 13 March 2015 at Guildford Crown Court he was convicted of the offence of engaging in sexual activity with a Female 13-17 years, where the offender does not reasonably believe the victim to be 18 years old and Abuses a Position of Trust, contrary to Section 16 (1)(a) of the Sexual Offences Act 2003. He was sentenced to 9 months Imprisonment to run concurrent to the prison sentence set out above and ordered to pay a victim surcharge of £100.**

In the Notice of Referral form, signed by Mr Moore on 25 August 2016 and the Statement of Agreed Facts signed by Mr Moore on 1 October 2016, Mr Moore admitted the facts of the allegations.

## C. Preliminary applications

### Whether to adjourn in favour of a hearing

The panel considered at the outset whether the allegations should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegations have been admitted, that Mr Moore has requested a meeting and the panel has the benefit of Mr Moore's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded by way of a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this

matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

### Anonymisation of School and Pupil

The panel considered on its own volition whether to anonymise the name of the school and the pupil to which Mr Moore's conviction relates to using its discretion under paragraph 4.60 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures").

The panel considers in the interests of justice that the school and the pupil which may be the subject of Mr Moore's convictions should be redacted from the decision notice in order to protect the identity of the victim, which is of the utmost importance. The panel notes in this respect, that the name of the pupil has already been redacted from some of the documents in the bundle of evidence considered. The redactions required in this decision notice are shown as '[redacted]' and the pupil subject to the convictions shall be referred to as "Pupil A".

## **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 Referral, Response and Notice of Meeting – pages 4 to 8

Section 3: Statement of Agreed Facts and presenting officer representations – pages 10 to 15

Section 4: National College for Teaching and Leadership documents – pages 17 to 90

Section 5: Teacher documents – pages 91 to 107

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

### **Witnesses**

The matter was convened as a meeting and no oral evidence was heard.

## **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.

Mr Edward Paul Moore (“Mr Moore”) was employed at [redacted] School (the “School”) from 1 September 2012. Mr Moore was convicted of engaging in sexual activity with a sixth form student during his employment at the School. On 27 August 2014, Mr Moore was arrested by Surrey Police and released on bail. On the same date, Mr Moore resigned from the School.

On 13 March 2015, Mr Moore was convicted of two offences of engaging in sexual activity with a female 13-17 years, where the offender does not reasonably believe the victim to be 18 years old and abuse of a position of trust, contrary to Section 16 (1)(a) of the Sexual Offences Act 2003. Mr Moore was sentenced on 17 April 2015 to concurrent prison sentences of 5 months and 9 months. He was also sentenced to pay a victim surcharge of £100 and placed on the Sex Offenders Register for a period of 10 years.

## **Findings of fact**

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you, Mr Moore, proven, for these reasons:

- 1. On 13 March 2015 at Guildford Crown Court you were convicted of the offence of engaging in sexual activity with a Female 13-17 years, where the offender does not reasonably believe the victim to be 18 years old and Abuses a Position of Trust, contrary to Section 16 (1)(a) of the Sexual Offences Act 2003. You were sentenced to 5 months Imprisonment and to sign on the Sex Offenders Register for a period of 10 years;**

In relation to this allegation, the panel notes the PNC record contained within the bundle of documents (p.85 to p.87) confirms that Mr Moore was convicted of the offence of engaging in sexual activity with a female where the offender does not reasonably believe the victim to be over 18 years old. The Certificate of Conviction of Guildford Crown Court also confirms that Mr Moore admitted to this offence (p.17 and p.18).

The panel notes that Mr Moore has admitted having been convicted of this offence in the Agreed of Statement of Facts (p.10 and p.11). This allegation is therefore, found proven.

- 2. On 13 March 2015 at Guildford Crown Court you were convicted of the offence of engaging in sexual activity with a Female 13-17 years, where the offender does not reasonably believe the victim to be 18 years old and Abuses a Position of Trust, contrary to Section 16 (1)(a) of the Sexual Offences Act 2003. You were sentenced to 9 months Imprisonment to run**

## **concurrent to the prison sentence set out above and ordered to pay a victim surcharge of £100.**

In relation to this allegation, the panel notes the PNC record contained within the bundle of documents (p.85 to p.87) confirms that Mr Moore was convicted of the offence of engaging in sexual activity where the offender does not reasonably believe the victim to be over 18 years old. The Certificate of Conviction of Guildford Crown Court also confirms that Mr Moore admitted to this offence (p.17 and p.18).

The panel notes that Mr Moore has admitted having been convicted of this offence in the Agreed Statement of Facts (p.10 and p.11). This allegation is therefore, found proven.

### **Findings as to conviction of a relevant offence**

The panel is satisfied that the conduct of Mr Moore in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to part two, Mr Moore 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;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel notes that Mr Moore's actions were relevant to teaching, working with children and/or working in an education setting as he admits he engaged in sexual activity with a current sixth form pupil. The panel notes that the *Teacher Misconduct – Prohibition of Teachers Advice* (the "Advice") indicates that it is likely that if offences lead to a term of imprisonment or involve sexual activity, they will be considered a relevant offence. Both of these criteria are met by the facts relating to this case and the panel sees no reason to depart from the Advice.

The panel notes that the behaviour involved in committing the offences could have had an impact on the safety or security of pupils given the nature of the conviction (which could have led to serious harm against children occurring, although the panel notes that it does not know the full facts leading to Mr Moore's conviction).

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Moore's behaviour in committing the offences 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 notes that Mr Moore's behaviour has ultimately led to him receiving a sentence of imprisonment which is indicative of the seriousness of the offences committed.

The panel also notes that this is a case involving offences involving sexual activity, which the Advice states are likely to be considered relevant offences.

The panel takes into account the written evidence that has been adduced attesting to Mr Moore's capability, enthusiasm and flair as a teacher as a music specialist (p.91 to p.107). The panel also takes into consideration the written statements of Mr Moore's former colleagues and associates that Mr Moore suffered excessive pressure following the disclosure of safeguarding issues by Pupil A (p.98). The panel also has regard to Mr Moore's written account that he much regrets the acts leading to the convictions and that he has learnt from his behaviour at the time (p.88 and p.92 to p.94). The panel is satisfied on the basis of the documents it has seen that Mr Moore's remorse is profound and genuine.

Although the panel finds the evidence of Mr Moore's teaching proficiency to be of note, the panel finds the seriousness of the offending behaviour that led to the convictions 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 therefore, finds that the matters proved do amount to convictions of a relevant offence.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of the convictions 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, the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct.



There is a strong public interest consideration in the protection of pupils given the serious findings of inappropriate relations giving rise to the convictions (i.e. namely sexual activity with a person under the age of 18 and abusing a position of trust).

Similarly, the panel considers that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Moore was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considers that a strong public interest consideration in declaring proper standards of conduct in the profession is also present as the conduct found against Mr Moore was outside that which could reasonably be tolerated (particularly, in light of the abuse of the position in trust aspect of the conviction).

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 Moore.

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 Moore. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. 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.

If a person has more than one conviction, then any convictions (including spent convictions) are included under the definition of "relevant matters" for the purposes of the Police Act 1997.

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a

prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

In forming a judgment in this respect, the panel takes into particular account the mitigation evidence presented in the bundle of documents including Mr Moore's handwritten statement in which he outlined that he deeply regretted his actions and had learnt from his behaviour (p.91 to p.107). The panel had no evidence before it which indicated that apart from his convictions, Mr Moore's teaching record was anything other than positive. In fact, the panel notes that there are multiple statements from Mr Moore's former colleagues and associates which attest to Mr Moore's integrity and character and his ability as a musician and a teacher.

Mr Moore has however admitted that his conduct was inappropriate and the panel notes that there is no suggestion by Mr Moore that his actions were not deliberate. There was also no evidence that he was acting under duress. Further, the panel considered that the facts giving rise to his conviction show that his behaviour was sexually motivated.

The panel is therefore of the view that a prohibition order is both proportionate and appropriate. It has decided that the public interest considerations outweigh the interests of Mr Moore. The panel considers the conviction of the relevant offences to be a significant breach of trust that is incompatible with his teaching in a school or college or in any other capacity. 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 to recommend that a review period of the prohibition order should be considered. The panel is mindful that the Teacher Misconduct – Prohibition of Teacher's 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 a prohibition order reviewed after a specified period of time that may not be less than two years.

The Teacher Misconduct – Prohibition of Teacher's Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. One of those behaviours includes serious sexual misconduct e.g. 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 had used their professional position to influence or exploit a person. Although the panel has limited information in respect of Mr Moore's convictions, it is clear that the convictions relate to sexual activity with an under 18 year-old whilst Mr Moore was in a position of trust.

However, the panel accepts that a prohibition order should not be punitive. The panel finds it persuasive that the Court, which had the benefit of knowledge of the full facts of the case giving rise to the conviction, had decided that the public (and children) would be sufficiently protected by Mr Moore's being placed on the sexual offenders register for a time restricted period of 10 years only.

The panel also notes in the mitigation evidence provided that Mr Moore deeply regrets his actions and has shown insight and remorse into his conduct at the relevant time. The panel also notes that in the multiple character references provided, it states that Mr Moore is a man of integrity and that the conduct giving rise to the convictions was entirely out of character. The panel also notes that Mr Moore appears to have been honest about the circumstances giving rise to his convictions and has not make any attempts to excuse his actions or cover them up.

Mr Moore is a young man and even 10 years after the date of his conviction, he would still have the opportunity for 20/30 years worth of a career as a music teacher. If Mr Moore were able to apply for the lifting of a prohibition order at the end of this period, the public would benefit from having access to an intelligent and enthusiastic music teacher.

Further, if the Secretary of State were minded to allow a review period after which the prohibition order might be set aside, Mr Moore would still have to explain the nature of his convictions to the review panel at any set aside hearing and also explain how he had reflected on his actions and taken steps to rehabilitate himself. Further, Mr Moore's convictions would appear on any relevant criminal record checks and this would allow any subsequent employer to take any appropriate steps they thought necessary to protect and safeguard children.

Therefore, for the reasons set out above, the panel's findings indicate a situation in which a review period is appropriate. Accordingly, the panel has decided that it is proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 9 years in line with when Mr Moore no longer appears on the sexual offenders register.

## **Decision and reasons on behalf of the Secretary of State**

I have carefully considered the recommendations made by the panel both in respect of sanction and review.

Mr Moore has been found guilty of two relevant offences. The panel has found both allegations to be proven, and Mr Moore has admitted that he has been convicted of these offences. I find the panel noted that the Advice indicates that it is likely that if offences lead to a term of imprisonment or involve sexual activity, they will be considered a relevant offence. Additionally, the facts have been proved on the basis of the Certificate of Conviction from Guildford Crown Court.

I have noted that the panel has made reference to part two of the Advice published by the Secretary of State, and they found Mr Moore 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;
- 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 is satisfied that the conduct of Mr Moore fell significantly short of the standards expected of the profession.

I have taken into account the guidance published by the Secretary of State. I have taken into account the need to balance the public interest with the individual interests of Mr Moore. There is a strong public interest consideration in the protection of pupils given the serious findings of inappropriate relations giving rise to the convictions.

In this case the behaviours that have been found proven and that are relevant 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. 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 note 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. I note that the panel has taken particular account of Mr Moore's statement where he outlined that he deeply regretted his actions, and had learnt from his behaviour. I note the panel's consideration of multiple statements from Mr Moore's former colleagues, which attest to Mr Moore's integrity and character.

Mr Moore has admitted that his conduct was inappropriate and there is no suggestion by Mr Moore that his actions were not deliberate. There was no evidence that Mr Moore was acting under duress.

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 Moore. I note the panel considers the conviction of the relevant offences to be a significant breach of trust that is incompatible with his teaching in a school or college or in any other capacity. I agree with the panel's view. For the reasons set out above, I support the recommendation of the panel that Mr Moore be prohibited from teaching.

I now turn to the matter of a review period. I have taken into account the Advice. Once again I have weighed the public interest and the interests of Mr Moore, and have taken into account the need to be proportionate.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct.

I am mindful however that the panel finds it persuasive that the Court, which had the benefit of knowledge of the full facts, has decided that the public (and children) would be sufficiently protected by Mr Moore being placed on the sexual offenders register for 10 years only.

The panel have taken a pragmatic and sensible approach in their deliberations. The panel has decided that it is proportionate in the circumstances for the prohibition order to be recommended with provisions for a review period of 9 years – in line with the date when Mr Moore no longer appears on the sexual offenders register.

Mr Moore would be able to apply for the lifting of this prohibition order at the end of this period, and the public would benefit from having access to an intelligent and enthusiastic music teacher. I agree with the panel that Mr Moore's convictions would appear on any relevant criminal records checks, enabling appropriate steps to be taken to protect and safeguard children.

For these reasons I support the recommendation of the panel that this prohibition order should be with the provision for a review period of 9 years.

**This means that Edward Paul Moore 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 2025, 9 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 Moore remains prohibited from teaching indefinitely.

A handwritten signature in black ink, appearing to be 'JM', with a small dot at the end.

**Decision maker: Jayne Millions**

**Date: 25 November 2016**

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