



Teaching
Regulation
Agency

Mr Timothy Lawrence Alderson: Professional conduct panel outcome

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

August 2018

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

Teacher: Mr Timothy Lawrence Alderson

Teacher ref number: 0855926

Teacher date of birth: 2 December 1983

TRA reference: 16747

Date of determination: 22 August 2018

Former employer: Baycroft School

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 22 August 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Timothy Lawrence Alderson.

The panel members were Ms Alison Walsh (teacher panellist – in the chair), Mr Ryan Wilson (teacher panellist) and Ms Caroline Tilley (lay panellist).

The legal adviser to the panel was Ms Hannah James of Eversheds-Sutherland LLP Solicitors.

In advance of the meeting, the Agency agreed to a request from Mr Alderson that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Alderson 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 Alderson or his representative.

The panel considered at the outset whether the allegation 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 allegation have been admitted, that Mr Alderson has requested a meeting and the panel has the benefit of his written 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. When considering whether Mr Alderson lacked understanding of the issues, facts and/or consequences, the panel had regard to the admissions he has made and the large amount of documentary evidence demonstrating his actions. The panel noted that (i) if the case proceeded in a meeting,

there would be a public announcement of the panel's decision, (ii) the teacher had admitted the allegations and the admissions were consistent given they were in keeping with the previous admissions made by the teacher, and (iii) there are no complex factual issues to be determined as all facts are agreed. The panel also had in mind that if a hearing was 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. On balance, after considering all of the information, the panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

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 23 April 2018.

It was alleged that Mr Alderson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Baycroft School between 2009-2017 he:

1. Uploaded personal information regarding students at the school onto a publicly accessible social media website in 2017;
2. Uploaded personal information regarding colleagues at the school onto a publicly accessible social media website in 2017;
3. Commissioned a person, or persons, to follow the Headteacher and film her on at least one occasion in or around 13 October 2016.

C. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 17b

Section 3: Teaching Regulation Agency documents – pages 18 to 363

Section 5: Teacher documents – pages 364 to 371

In addition, the panel agreed to accept the following:

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Alderson on 27 July 2018. Mr Alderson admits to the facts contained in the allegations and also that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

D. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

In advance of the meeting, the Agency agreed to a request from Mr Alderson that the allegations be considered without a hearing. The panel has 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 is necessary or appropriate in this case.

Mr Alderson had been employed at the school as a teacher from September 2009 to July 2017. On the date set out, the allegations concerned, were raised when the local authority contacted the school about a video which had been posted on YouTube. An investigation was commenced by the school which resulted in Mr Alderson's dismissal.

Findings of fact

Our findings of fact are as follows:

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

- 1. Uploaded personal information regarding students at the school onto a publicly accessible social media website in 2017;**

This allegation has been admitted by Mr Alderson. The panel noted that Mr Alderson's admissions relating to this allegation have been consistent throughout the police involvement, disciplinary process, as well as this process. His admissions are also repeated in the signed Statement of Agreed Facts. The panel has seen the documentary

evidence demonstrating that the personal information regarding students at the school was uploaded on to social media. In addition, the panel noted that Mr Alderson admitted to uploading this information.

This allegation is therefore found proved.

2. Uploaded personal information regarding colleagues at the school onto a publicly accessible social media website in 2017;

This allegation has been admitted by Mr Alderson. The panel noted that Mr Alderson's admissions relating to this allegation have been consistent throughout the police involvement, disciplinary process, as well as this process. His admissions are also repeated in the signed Statement of Agreed Facts. The panel has seen the documentary evidence demonstrating that the personal information of colleagues was uploaded on to social media. In addition, the panel noted that Mr Alderson admitted to uploading this information.

This allegation is therefore found proved.

3. Commissioned a person, or persons, to follow the Headteacher and film her on at least one occasion in or around 13 October 2016.

This allegation has been admitted by Mr Alderson. The panel notes that Mr Alderson's admissions relating to this allegation have been consistent throughout the police involvement, disciplinary process, as well as this process. His admissions are also repeated in the signed Statement of Agreed Facts. The panel has seen the documentary stills of the footage of the Headteacher being filmed. In addition, the panel noted that Mr Alderson has admitted that he created the video which contained the comment "our investigator has been on this case for over 4 months and has many more incriminating videos". This further demonstrates that Mr Alderson commissioned a person to follow the Headteacher over a period of time.

This allegation is therefore found proved.

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

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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 Alderson in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Alderson 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.
- 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 Alderson fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Alderson's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that none of these offences are relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel notes that part of the behaviour set out in the allegations took place outside of the education setting. The conduct was closely related to his teaching role as the allegations were relating to colleagues within the school. His actions affect the way in which Mr Alderson fulfils his teaching role as they have compromised his professionalism, his relationships with colleagues and students, and there is a real possibility that his behaviour would harm the reputation of the school, as well as the teaching profession as a whole.

Mr Alderson has admitted, within the Statement of Agreed Facts, that his actions amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Mr Alderson is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

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

Mr Alderson has admitted that his actions constitute conduct that is likely to bring the profession into disrepute.

The panel therefore finds that Mr Alderson's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2 and 3 proved, we further find that Mr Alderson's conduct amounts 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 conduct that may bring the profession into disrepute, 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 a 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, such as the protection of pupils, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Alderson, there is a strong public interest consideration in upholding public confidence in the profession given how Mr Alderson's actions are likely to be perceived by the public, and given the pivotal role a teacher plays in students' lives. This is especially relevant here as the parents of the vulnerable students in question, were understandably distressed and unhappy with Mr Alderson's actions. There is a strong public interest consideration in respect of the protection of pupils, especially here, given the vulnerability of the students in question.

The panel considered that Mr Alderson's actions were premeditated and that he was not acting under duress. The panel noted that Mr Alderson was not a newly qualified teacher, having been teaching for many years. The panel also noted that Mr Alderson's actions led to his colleague feeling frightened as a result of being followed and filmed. It took into account the security risks and breaches of the personal information of the students and his colleagues.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Alderson were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that there was a strong public interest consideration in declaring proper standards of conduct in the profession. Mr Alderson's conduct 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 Alderson.

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 Alderson. 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 ... well-being of pupils;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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 Alderson's actions were deliberate and he was not acting under duress. As far as the panel is aware, Mr Alderson has a previously good record. The panel took into account the three references provided by Mr Alderson in mitigation and considered that of those statements, it accepted that Mr Alderson cared about his students, had good relationships with them and was a team player. The panel also accepted that Mr

Alderson has engaged with these proceedings, has shown insight into his actions, and is 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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in this case would unacceptably compromise the public interest considerations present, despite the severity of consequences for the teacher of prohibition.

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 Alderson. The fact that Mr Alderson had been a teacher for a number of years, had intentionally carried out these actions and those actions had frightened one of his colleagues, was a significant factor in forming that opinion. 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 order should be considered. The panel was 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. None of these behaviours are present in this case and the panel, of its own volition, did not consider that Mr Alderson's behaviour justified no review period being recommended. The panel therefore went on to consider what review period would be most appropriate. The panel noted that Mr Alderson has shown remorse for his actions.

The panel found that Mr Alderson's actions are such that a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for a prohibition order to be recommended with provision for a review period of 3 years. It determines that this would reflect the seriousness of the breaches committed by Mr Alderson.

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 sanction and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State 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 Alderson should be the subject of a prohibition order, with a review period of three years.

In particular the panel has found that Mr Alderson 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.
- 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.

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 or not 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 Alderson, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. Although the actions took place outside of school they did impact directly on pupils and colleagues. The panel has observed "His actions affect the way in which Mr

Alderson fulfils his teaching role as they have compromised his professionalism, his relationships with colleagues and students.” 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, “Mr Alderson has engaged with these proceedings, has shown insight into his actions, and is remorseful.”

I have therefore given this element some weight in reaching my decision, especially concerning a review period.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe “the conduct displayed would likely 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 failure to impose a prohibition order might be regarded by the public 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 Alderson himself. The panel observe, “that Mr Alderson cared about his students, had good relationships with them and was a team player.”

A prohibition order would prevent Mr Alderson 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 concerning the vulnerability of the pupils, “the parents of the vulnerable students in question, were understandably distressed and unhappy with Mr Alderson’s actions. There is a strong public interest consideration in respect of the protection of pupils, especially here, given the vulnerability of the students in question.” In addition the impact on colleagues is key, “those actions had frightened one of his colleagues.”

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

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 3 year review period.

I have considered the panel's comments " this would reflect the seriousness of the breaches committed by Mr Alderson."

I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the vulnerability of the pupils, the harm caused to a colleague and, the deliberate and intentional nature of the behaviour

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

This means that Mr Timothy Lawrence Alderson 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 3 September 2021, 3 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 Timothy Lawrence Alderson remains prohibited from teaching indefinitely.

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

Mr Timothy Lawrence Alderson 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: 24 August 2018

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