



Teaching
Regulation
Agency

Mr Ian Webber: Professional conduct panel outcome

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

February 2021

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

Teacher: Mr Ian Webber
Teacher ref number: 0153033
Teacher date of birth: 24 May 1964
TRA reference: 18705
Date of determination: 8 February 2021
Former employer: Coppice School, Sutton Coldfield

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 8 February 2021 by way of the Microsoft Teams online platform, to consider the case of Mr Ian Webber.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Mr Graham Ralph (lay panellist) and Ms Jo Palmer-Tweed (teacher panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson solicitors.

Mr Webber was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 10 December 2020.

It was alleged that Mr Webber was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. On or around 27 February 2019 he was convicted of the offence of battery at Birmingham and Solihull Magistrates' Court. As a result of his conviction he was subject to a six month conditional discharge and was required to pay costs of £850 and a victim surcharge of £20.
2. He engaged in the conduct leading to his conviction as set out at 1 above despite having received a written warning on or around 26 February 2016 in relation to inappropriate physical contact with a pupil.

The allegations were denied.

Preliminary applications

Mr Webber did not attend the hearing, having indicated to the representatives of the TRA and, most recently, the presenting officer that he did not wish to attend the hearing and that he did not want to receive any further communications from the TRA in relation to the case against him.

After careful consideration, the panel decided to proceed with the hearing in the absence of Mr Webber, having concluded that Mr Webber had voluntarily absented himself from the hearing and had no intention to play any ongoing part in the proceedings whenever they took place.

The relevant correspondence documents considered by the panel were annexed to the bundle as Annex A pages 1 to 5.

Summary of evidence

Documents

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

Section 1: Notice of Proceedings and response – pages 2 to 6

Section 2: Teaching Regulation Agency documents – pages 8 to 59

Section 3: Teacher documents – pages 61 to 102.

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

Witnesses

The panel heard no oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows.

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

This case related to a teacher who was accused of making inappropriate physical contact with a 4 year old child. His actions resulted in his conviction for battery of that child. The incident followed receipt by the teacher of a written warning in 2016 for a previous event of inappropriate physical contact with a child at the same school.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 27 February 2019 you were convicted of the offence of battery at Birmingham and Solihull Magistrates' Court. As a result of your conviction you were subject to a six month conditional discharge and were required to pay costs of £850 and a victim surcharge of £20.**
- 2. You engaged in the conduct leading to his conviction as set out at 1 above despite having received a written warning on or around 26 February 2016 in relation to inappropriate physical contact with a pupil.**

The panel was satisfied that factual particular 1 was proved on the basis of the memorandum of conviction that appears at page 51 of the bundle and Mr Webber's response to the Notice of Referral signed by him on 24 December 2019, by which he accepted that he had been so convicted at Birmingham and Solihull Magistrates Court.

The panel was further satisfied that he had engaged in criminal conduct of battery towards Child A on the basis of the evidence of such conduct contained within the bundle. The panel was assisted by the comments of the district judge, who presided over the criminal case, as reported by the Mail Online on 4th March 2019 (bundle pages 34 to 39). The district judge was quoted as having found the evidence of four boys to be 'clear and plausible' in support of the contention that Mr Webber had slapped Child A (aged 4)

two times on the knees having removed him from an after school football practice in the school hall due to his behaviour.

Furthermore, the panel was satisfied that Mr Webber had received a written warning from the headteacher of the school on 26 February 2016 after he admitted flicking a child's throat. This was proved by the letter dated 26 February 2016 that appears at pages 58 to 59 of the bundle and was signed by Mr Webber on 26 February 2016.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice” (April 2018 version).

The panel was satisfied that the conduct of Mr Webber, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Webber was 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...'
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Webber amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

His conduct involved inappropriate physical contact with a very young nursery aged child. It involved repeated slapping of a 4 year old child on the knees in response to his behaviour at an after school football practice. The conduct led to action in the criminal courts and a conviction, after a trial at which Mr Webber pleaded not guilty, for section 39

common assault by beating. Furthermore, the conduct took place in the context of an earlier written warning at the same school (in 2016) following previous inappropriate physical contact by Mr Webber towards another child.

The panel went on to consider whether Mr Webber's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found, for obvious reasons, that the conduct did amount to an offence of violence.

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.

Accordingly, the panel was satisfied that Mr Webber was guilty of unacceptable professional conduct.

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

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

The panel therefore found that Mr Webber's actions constituted 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 was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and having done so, 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 and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Webber, which involved violence against a 4 year old child, there was a strong public interest consideration in respect of the protection of pupils, particularly as this conduct followed an earlier incident of inappropriate physical contact with a child. It is an indisputable fact that Mr Webber's conduct towards young children has become worse since he was issued with a written warning by the headteacher of the school for the earlier incident.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Webber was outside that which could reasonably be tolerated.

In view of 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 Webber.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Webber. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- 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;
- 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;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The only possible mitigation present was that Mr Webber had no previous findings before the TRA. The bundle did include a large number of letters expressing support for Mr Webber and his quality as a teacher. However, the panel were acutely aware that this was not an isolated incident given the earlier incident for which he received the written warning. The risk of repeat was clear and obvious.

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 would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Webber.

Mr Webber's glaring lack of remorse concerning what he did and clear lack of insight into its effect was a significant factor in forming that opinion. Despite the findings of the criminal court, at which he denied any wrongdoing, he maintained his denials before this panel. Furthermore, nowhere in his representations did he demonstrate any understanding of the impact of what he did on the child whom he assaulted, the child's family, other pupils, other members of the public or the reputation of the teaching profession.

Accordingly, the panel made 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 a review period of the order. The panel was mindful that the Advice states 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 proved, would militate against the recommendation of a review period. One of these is violent behaviour, as proved by Mr Webber towards a 4 year old child in this case, subsequent to another act of inappropriate physical contact towards a pupil, in circumstances where Mr Webber has offered no insight into or remorse for what he did.

In light of the above, the panel decided that 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 provisions 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 recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published 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 Webber should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Webber 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...'
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also "satisfied that the conduct of Mr Webber amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a finding of "inappropriate physical contact with a very young nursery aged child. It involved repeated slapping of a 4 year old child on the knees in response to his behaviour at an after school football practice. The conduct led to action in the criminal courts and a conviction, after a trial at which Mr Webber pleaded not guilty, for section 39 common assault by beating.

Furthermore, the conduct took place in the context of an earlier written warning at the same school (in 2016) following previous inappropriate physical contact by Mr Webber towards another child.”

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 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 Webber, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that Mr Webber’s behaviour, “involved violence against a 4 year old child”. 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 Webber’s glaring lack of remorse concerning what he did and clear lack of insight into its effect was a significant factor in forming that opinion. Despite the findings of the criminal court, at which he denied any wrongdoing, he maintained his denials before this panel. Furthermore, nowhere in his representations did he demonstrate any understanding of the impact of what he did on the child whom he assaulted, the child’s family, other pupils, other members of the public or the reputation of the teaching profession.”

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, “also took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave.”

I am particularly mindful of the finding of violence against a young pupil in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 Webber himself. The panel comment “The only possible mitigation present was that Mr Webber had no previous findings before the TRA. The bundle did include a large number of letters expressing support for Mr Webber and his quality as a teacher. However, the panel were acutely aware that this was not an isolated incident given the earlier incident for which he received the written warning. The risk of repeat was clear and obvious.”

A prohibition order would prevent Mr Webber 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 lack of insight or remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Webber 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. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the Advice and the panel’s comments “there are behaviours that, if proved, would militate against the recommendation of a review period. One of these is violent behaviour, as proved by Mr Webber towards a 4 year old child in this case, subsequent to another act of inappropriate physical contact towards a pupil, in circumstances where Mr Webber has offered no insight into or remorse for what he did.”

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are factors that mean that a no review is necessary. These elements are nature of the violent behaviour against a young pupil even following a

warning, and the lack of either insight or remorse. The panel also said, "It is an indisputable fact that Mr Webber's conduct towards young children has become worse since he was issued with a written warning by the headteacher of the school for the earlier incident." This is very serious.

I consider therefore that to allow for no review is necessary, proportionate and in the public interest and is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Ian Webber 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 Ian Webber 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 Ian Webber 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.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 9 February 2021

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