



Teaching
Regulation
Agency

Mr Damien Ryan: Professional conduct panel outcome

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

December 2020

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

Teacher:	Mr Damien Ryan
Teacher ref number:	9505028
Teacher date of birth:	1 April 1970
TRA reference:	17616
Date of determination:	18 March 2020
Former employer:	Saint Pius X Catholic High School (“the School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 16 and 18 March 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Damien Ryan.

The panel members were Mr John Matharu (lay panellist – in the chair), Ms Alison Walsh (teacher panellist) and Mrs Kathy Thomson (former teacher panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP. The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP. Mr Ryan was present and represented by both Father Dane and Ms Anne-Marie Waters. The hearing took place in public and was recorded.

However, as a result of the outbreak of the COVID-19 pandemic, the case was adjourned part heard on 18 March 2020 to a date to be fixed. At this point, the panel had commenced deliberations on the facts of the case but had not reached any conclusion.

In the interim, the Chair, Mr John Matharu, [Redacted] unconnected with this case, was unable to continue his professional role for the TRA and thus stood down from the panel. Mr John Armstrong was appointed as a substitute panel member and, in advance of the hearing, was provided with all papers in the case including the bundles referred to below and the Panel Interim Decision to adjourn the case dated 18 March 2020.

The panel was reconstituted and reconvened briefly on 11 December 2020 for administrative purposes. The panel members were Ms Alison Walsh (teacher panellist); Mrs Kathy Thomson (former teacher panellist – who assumed the role of Chair for the purposes of this hearing) and Mr John Armstrong (lay panellist). This panel then reconvened remotely on 14 and 15 December 2020 to consider the case. The legal adviser to the panel continued to be Mr Tom Walker of Blake Morgan LLP.

The parties appeared remotely on 15 December 2020. The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson. Mr Ryan was present. The hearing took place remotely, but with public access, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 11 December 2019.

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

Whilst employed as an English Teacher at the Saint Pius X Catholic High School between May 2016 and August 2018:

1 He created and/or made publicly available and/or disseminated the following comments and/or captions with words or words to the effect that:

a) on his YouTube channel The Ryan Review:

(i) "If you think Islam is a vile, hateful religion, say it without apology. Against gay marriage? Say so. No qualification. Think transgenderism is bullshit. Say so. No, 'I'm not bigoted but....' No apologies. The left never apologises. Speak up. Again, no apologies!"

(ii) "Often when I speak about Islam and its hateful, bigoted, fascist ideology and teachings..."

(iii) "Islam LGBTQ and the left make an Unholy Trinity"

b) on his Twitter account @theyanreview:

(i) "Muslims deserve no lands"

(ii) "Muslims deserve no countries"

(iii) "All Muslim countries are stolen from others"

2 His behaviour as may be found proven at allegation 1 above;

a) demonstrated intolerance and/or hatred on the grounds of race/religion or sexual orientation;

b) undermined fundamental British values, in particular individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

Mr Ryan admitted the factual particulars at allegation 1 but did not accept allegation 2. Mr Ryan did not accept that he was guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute. This was set out in a Statement of Agreed Facts and was confirmed at the outset of the hearing on 16 March 2020.

Preliminary applications

The original panel, which convened between 16 and 18 March 2020, received preliminary applications to admit documents, and made the decisions outlined below.

The original panel received an application from Mr Perkins, the presenting officer, to admit an undated letter addressed to Mr Ryan from South Yorkshire Police which was referred to in the evidence of Witness A. Mr Ryan had received this document and no objection was made to this document's admission. The panel agreed to admit this document as relevant to the allegations, and there was no unfairness in its admission.

The original panel received an application from Mr Ryan to admit a range of documents comprising:

- publicly available press reports relating to allegations of sexual abuse and misconduct;
- reports on alleged criminal activities;
- extracts from Islamic theological texts;
- publicly available comments by MPs and other public figures;
- various photographs of political demonstrations and the aftermath of violent activity;
- a map of France said to relate to attacks on churches;
- a letter to Individual A from his MP dated 25 July 2019 in relation to concerns he had raised regarding sexual exploitation of children.

The documents were said to have been sent to the TRA outside the timescales referred to in Rule 4.20 of four weeks. However, the panel noted that some of the documents had already been provided to the TRA, and in any event the TRA have had an opportunity to review the documents and make submissions so there is no unfairness in their admission. The principal consideration then is that of relevance in accordance with Rules 4.18 and 4.19.

The panel notes that the MP's letter referred to, as submitted by the presenting officer, may involve Individual A [Redacted] being asked to engage in giving evidence. However,

the letter simply refers to concerns raised at a political level and is not direct evidence in relation to the allegations, so there is no unfairness in this letter being admitted subject to relevance and weight.

Whilst the press reports and comments can be attributed and their provenance is known, the photographs and map are not referenced. The panel heard submissions that each was publicly available, and submissions could be made in due course as to provenance.

The panel has heard the submissions of the parties and considered matters carefully. This panel has been tasked with determining specific allegations and needs to assess the extent to which the additional material is relevant to those allegations such as to warrant admission in the proceedings.

It is alleged that Mr Ryan has expressed or supported views and opinions which amount to unacceptable professional conduct and/or conduct which may bring the profession into disrepute. Mr Ryan's case is that the context in which those views have been formed and expressed is relevant to how his conduct should be considered, and he wishes to make such representations to the panel, and ask questions of witnesses on such points.

The panel was mindful that not all such additional material would be directly relevant to the allegations. However, the panel was of the view that fairness requires that Mr Ryan not be constrained from raising arguments and referring to material which illustrates the publicly known context and debate about political and theological matters, and that in general terms, this may reasonably be considered to be relevant to the allegations which he faces.

The panel was thus of the view that the additional material should be admitted in the case and considered subject to weight. The panel indicated that it may require Mr Ryan's representatives to make further submissions as to whether any such additional material, if put before witnesses, is relevant to the determination of these allegations.

Summary of evidence

Documents

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

Section 1: Notice of proceedings, Statement of Agreed Facts and Directions – pages 2 to 15

Section 2: Teaching Regulation Agency Witness Statements – pages 17 to 46

Section 3: Teaching Regulation Agency Documents – pages 48 to 172

Section 4: Teacher Evidence – pages 174 to 186

In addition, the panel agreed to accept the unpaginated documents submitted on behalf of the teacher which were outlined above.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Prior to the resumption of the hearing on 14 December 2020, the panel received a Supplementary Bundle of Documents as follows:

Section 1: Relisting and Replacement Panellist letters – pages 2 to 7

Section 2: Hearing Transcripts – pages 9 to 240

Witnesses

The original panel heard oral evidence from Witness A who gave evidence for the TRA. The panel also heard evidence from Mr Ryan, and from Witness B.

Interim Decision and reasons

As outlined above, the original panel adjourned the case to a date to be fixed as a result of the COVID-19 pandemic. This was communicated by way of an interim decision dated 18 March 2020. This decision is outlined below for completeness.

The original panel heard closing submissions and received legal advice towards the close of 17 March 2020. In the context of the unfolding public health concerns relating to coronavirus, and the Government guidance in relation to the same, the panel adjourned the resumption of the hearing initially from 17 March 2020 to 14:30 on 18 March 2020 with the parties to attend remotely.

However, as at 15:30 on 18 March 2020 the original panel had not been able to reach a decision in this case. The panel noted the updated Government guidance regarding measures necessary to address public health concerns such as increased social distancing and reducing face-to-face contact.

Given this, the panel had reservations about whether it was appropriate for the panel itself to reconvene on 19 March 2020 to continue deliberations. The panel also had some concerns about the practicability, and therefore fairness, in the continuation of a hearing of this nature remotely but will keep matters under review.

The panel received legal advice and had regard to Rule 4.54 which sets out that a panel may, at any stage of the proceedings where it considers it fair and appropriate, adjourn the case. The panel has considered the impact that this may have on Mr Ryan and was

appreciative of this, but nevertheless was of the view that it was not appropriate to continue.

The panel was of the view that it was both fair and appropriate for this case to be adjourned for the reasons outlined above. The panel respectfully requested all parties to liaise effectively, to ensure that this case could be re-listed as a priority, at the earliest opportunity.

Decision and reasons

The panel announced its decision and reasons as follows:

As outlined above, a reconstituted panel reconvened briefly for administrative purposes on 11 December 2020. When the reconvened panel resumed deliberations it first considered the issue of one of the members of the original panel being replaced.

Section 4.3 of the *Teacher misconduct: disciplinary procedures for the teaching profession* April 2018 (the 'Procedures') sets out as follows:

"Where, in the course of the panel's hearing of a case, a panel member is unable to remain a member of the panel the TRA will appoint another member in that person's place, ensuring that they are fully acquainted with all the documents previously before the panel, including a record of the proceedings. The teacher may make representations if there is a reason to request a new panel. The TRA will consider convening a new panel if it is considered to be in the interest of justice."

The panel noted the documents within the Supplementary Bundle which confirm that the parties are in agreement that a reconstituted panel can continue with this hearing. However, notwithstanding this agreement, the panel considered carefully whether it was in the interests of justice and appropriate in all the circumstances.

The reconstituted panel noted that no decision had been made by the original panel and that two of the original panel members continued to sit. The panel also noted that the new panel member, Mr Armstrong, had fully acquainted himself with the bundles in the case, which included transcripts of the proceedings on 16 and 17 March 2020. The panel also noted that the oral evidence given in this case was neither extensive nor complex, and was accessible and available for review in the transcripts. The respective submissions made on behalf of Mr Ryan and the TRA were also clear, and accessible and available for review in the transcripts.

The panel was satisfied, given the circumstances of the case, that there would no prejudice to either party by virtue of the replacement of a panel member and decided to proceed, as reconstituted, to consider this case.

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

Mr Ryan is an experienced teacher. He has taught in a range of settings for many years.

It is alleged that, whilst employed as an English Teacher at the School he did, between May 2016 and August 2018, publish opinions or implied opinions, or approved of certain opinions, on the internet, and that such publication may involve breaches of the Teachers' Standards.

The opinions published were in the form of videos commenting on social, political and religious and religious matters (allegation 1 a) and in the form of 're-tweets' of comments by others (allegation 1 b).

The videos in question were posted on a YouTube account set up by Mr Ryan as 'The Ryan Review' and had been reviewed by the police. However, there were no videos before the panel, and the evidence in relation to their content was indirect hearsay. The videos had subsequently been removed from circulation by Mr Ryan. Indeed, there was no clear evidence before the panel as to the actual content and tone of the videos in question. In consequence, the evidence was limited to the photographs of the captions summarising the content of the videos which Mr Ryan had drafted.

The case was referred to the TRA in the following circumstances. An anonymous complainant raised concerns about the publications in question identifying Mr Ryan as a teacher, claiming to be a concerned parent. As a result, the police were informed and Witness A of the South Yorkshire Prevent Team visited Mr Ryan at his home.

Witness A had concerns that the circumstances of Mr Ryan's role as a teacher may present safeguarding concerns in relation to protecting young people from potentially harmful content. It is important to note that there is no evidence that the complainant was, in fact, a parent of a child at the School. However, it is clear that the complainant was aware that Mr Ryan was a teacher and had concerns which he or she was entitled to raise. The panel also notes on this point that the content in question does not identify Mr Ryan as a teacher, and Mr Ryan at no point sought to make his profession public. Similarly, there is no evidence that any pupil or colleague of Mr Ryan viewed the content or was exposed to it.

Witness A spoke with Mr Ryan at his home. Witness A was clear in his evidence that Mr Ryan's conduct did not amount to criminal conduct, and did not cross this threshold. Instead, Witness A's aim was to assess whether there were safeguarding concerns.

Witness A stated that Mr Ryan engaged in the discussion, and that this was conducted in a relatively amicable manner. Mr Ryan agreed that he would engage in the Multi-Agency 'Channel Programme'. There is no power to compel anyone to engage in such programmes, and ultimately Mr Ryan opted not to participate. The panel did not regard this decision as having any bearing on the allegations.

Mr Ryan's employer was contacted and an investigatory interview was commenced. Mr Ryan in turn queried the allegations being investigated by the School, namely that he had expressed views containing 'extreme right wing content'. Mr Ryan took the view that such allegations had not been adequately clarified by the School and thus opted not to participate in the disciplinary process. Mr Ryan's employment was not renewed and the case was referred to the TRA.

The allegations which Mr Ryan faces before these proceedings are distinct from those issues being considered initially by the Police, and subsequently the School.

The panel first heard evidence from Witness A. The panel found Witness A to be measured in his evidence. Witness A stated that he regarded Mr Ryan as an intelligent man who was clearly knowledgeable in matters of religion and politics, and able to articulate his views.

It was put to Witness A on behalf of Mr Ryan that he, in effect, had an unfair view of Mr Ryan and was somehow [Redacted], common within the public sector. The panel discerned no such tendency whatsoever. Witness A was conducting his professional duties in line with a Government-sanctioned programme and there is no evidence whatsoever that he acted otherwise than fairly. However, for present purposes, whilst the evidence of Witness A was of assistance in terms of context, his evidence was of limited direct relevance to the allegations in this case.

The panel heard evidence from Mr Ryan. The panel found Mr Ryan to be an intelligent, articulate and reflective man. It was clear that Mr Ryan is a man with [Redacted], and the panel makes absolutely no criticism of that whatsoever.

In evidence, Mr Ryan stated that his personal convictions were nourished by a well-publicised child sexual exploitation case in Rotherham which had involved a number of men mostly from the Pakistani Muslim community. This case had resulted in public criticism of the police for allegedly failing to take action more quickly due to perceived cultural and political sensitivities. Reference was made to a publicly available report into this matter, but this report was not in evidence before the panel. This issue was put before the panel as explanatory evidence as to how Mr Ryan had come to form the view that some or all of the doctrines of the Islamic faith themselves posed a risk to public order and safety, and as to how he came to publish or disseminate the videos and re-tweets in question. For the avoidance of doubt, this panel was not, and is not, concerned with the determination of such issues.

The panel also heard evidence from Witness B, who gave evidence on behalf of Mr Ryan. Witness B had no particular [Redacted] knowledge of Mr Ryan, and could not give any evidence which had a direct bearing on the allegations. Witness B gave evidence in relation to his [Redacted] experience [Redacted]. The panel found Witness B to be articulate and credible. The panel accepted the general nature of his evidence that there

are [Redacted] factions within the Islamic community, as with other communities, who will use intimidation to prevent or stifle criticism. However, the evidence of Witness B had no direct relevance to these allegations, namely whether the content published by Mr Ryan amounts to professional misconduct.

The panel also received extensive submissions from both parties in relation to the role of free speech in society. The panel was presented with two recent judgments dealing with issues of freedom of expression under Article 10 of the European Convention on Human Rights (Miller v College of Policing and another [2020] EWHC 225; Ngole v University of Sheffield [2019] EWCA Civ 1127).

The panel noted the contents of the judgments; however both related to different factual scenarios to the matters relating to Mr Ryan. This panel had a distinct and fact specific task, namely to assess the specific conduct of Mr Ryan as a teacher.

A central principle of the judgments, and one to which this panel has had regard, is that the right to freedom of expression is a qualified right. In terms, it can be qualified and restricted provided that this restriction is in accordance with the published law and principles, and pursues a legitimate aim to protect health, morals and public order (by way of example). A central principle is that the freedom of expression can and should be qualified if it has the potential to impact upon the provision of public services or the performance of a professional person's function.

The panel has proceeded to consider Mr Ryan's case in accordance with these principles. Broad representations were made on behalf of Mr Ryan that this case related to issues of freedom of expression and speech in the abstract. This panel is not concerned with, nor in a position to, assess such broader issues. It has no role in determining what Mr Ryan, or any teacher, may think or express in a private capacity. This panel is concerned with the Teachers' Standards and the distinct professional considerations which apply to the specific conduct alleged, and its findings are similarly limited.

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:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as an English Teacher at the Saint Pius X Catholic High School between May 2016 and August 2018:

1) You created and/or made publicly available and/or disseminated the following comments and/or captions with words or words to the effect that:

a) on your YouTube channel The Ryan Review:

(i) "If you think Islam is a vile, hateful religion, say it without apology. Against gay marriage? Say so. No qualification. Think transgenderism is bullshit. Say so. No, 'I'm not bigoted but....' No apologies. The left never apologises. Speak up. Again, no apologies!"

(ii) "Often when I speak about Islam and its hateful, bigoted, fascist ideology and teachings..."

(ii) "Islam LGBTQ and the left make an Unholy Trinity"

b) on your Twitter account @theryanreview:

(i) "Muslims deserve no lands"

(ii) "Muslims deserve no countries"

(iii) "All Muslim countries are stolen from others"

Allegations 1a) and 1b) were admitted by Mr Ryan and they were supported by the evidence presented to the panel. The allegations were therefore, found proved.

In relation to Allegation 1a), the panel noted that it had not had sight of any of the videos, but considered the captions and still images which Mr Ryan accepted related to the videos. The TRA submitted that the captions and videos had been created and made publicly available by Mr Ryan, and that the content was discriminatory and demonstrated intolerance of other religious beliefs and beliefs regarding gender or sexual orientation.

Mr Ryan, in evidence, explained that he had deep concerns about the role of Islam in society and took the view that the doctrines of Islam themselves should be considered as the contextual background in relation to a number of well-publicised child sexual exploitation cases, as well as more broadly in relation to the perpetration of acts of violence and terrorism. Mr Ryan stated that he had no issue with individuals practising Islam per se, or with Muslims – but rather with the ideology of Islam.

Mr Ryan stated he was of the view that public bodies in the UK were reluctant to criticise the doctrines of Islam, and that public bodies had been overly sensitive in their handling of a number of criminal matters for fear of offending the Muslim community; Mr Ryan made a similar point in relation to beliefs regarding transgenderism. He stated that he had no concern with individuals who had such views and exercised personal decisions, as his religious beliefs encouraged him to show humanity and compassion to all people. Mr Ryan stated that he objected to the ideology of transgenderism and the promotion of the same.

This panel has no role in determining the veracity, reasonableness or otherwise of any such beliefs, but it accepts that it was these concerns, whether legitimate or not, which motivated Mr Ryan to engage in expressing his views publicly on the internet at the material time.

The panel has focused on the specific evidence before it.

Whilst extensive representations were made on Mr Ryan's behalf in relation to the lack of clarity regarding terms such as 'far right' or 'extremist', such representations do not relate directly to the allegations. Mr Ryan was referred to the TRA on the basis that he may hold or express such views, but there was no factual finding in relation to such matters and, in any event, these terms do not feature in the allegations and do not require determination.

However, for present purposes, it is important to note that there is no evidence that Mr Ryan expressed or held racist views, nor is there any clear evidence of Mr Ryan having any particular fixed political affiliation. The evidence in this case is that Mr Ryan has deeply held religious and cultural beliefs which have led him to form a critical view of Islam and Transgenderism (see allegation 1 a) iii)).

Mr Ryan stated that he had not given any particular thought to the consequences of his publication of the videos in question, but simply wanted to start a debate on matters of concern and interest to him. The panel has considered carefully the wording of the captions to the videos. In general terms, and subject to the qualifications below, the panel accepts the evidence of Mr Ryan that this was his intention.

Whilst the panel was unable to assess the content in detail as the videos were not in evidence, the caption at particular 1a) i) is provocative in nature and phrased in terms which encourage people to express their views whatever they may be. However, the language used in this caption is more emotive than is necessary to stimulate a debate. A religious belief, deeply held by many across the world, is described in terms which many, Muslims and non-Muslims alike, would find to be either offensive or potentially inflammatory. This description is also accompanied by intemperate language urging his audience not 'to apologise' for their beliefs. In summary, whatever the original intention of Mr Ryan, it is not a reflective and measured proposal to stimulate open debate – but rather an emotive appeal to criticise the beliefs of others, as opposed to an invitation to others to express their opinions.

The panel would repeat the same point in relation to allegation 1a) ii) that the tone of the criticism is provocative and, whatever the intention of Mr Ryan, would not be conducive to open debate.

However, as regards allegation a) iii) the panel is of the view that the expression used, whilst polemical in tone, cannot be fully interpreted in the absence of evidence of context,

so, whilst proven, is not satisfied that any particular inference can be drawn as to the potential impact of such a caption and video.

Mr Ryan, in evidence, admitted in cross-examination that, on reflection, he accepted that the language he had used was "abrasive and arrogant", and that it could have had a negative impact on pupils had they been seen. Mr Ryan also accepted that the videos were ill-advised and he would, on reflection, with the benefit of hindsight, not have created them.

The panel found allegation 1 a) proven in its entirety, namely that Mr Ryan had created and made the content described publicly available on the internet for a period.

As regards allegation 1 b), the panel noted that Mr Ryan had re-tweeted the content referred to and had not created it himself. However, the panel took the view that by re-tweeting the content, he had disseminated material already publicly available, and had done so from his own account.

Whilst Mr Ryan stated that his concern was with the Islamic religion as opposed to individual Muslims, these comments indicated otherwise. In this case, the content conflated Islam with individual Muslims. This communication was to the effect that individual Muslims had no legal right to live in any particular state and, by implication, were guilty of taking lands from others. This communication is aggressive in tone and makes broad-ranging assertions with neither analysis nor qualification. It is clearly and obviously inflammatory and its likely effect is to portray individual Muslims in a negative light and create a negative perception of Muslims by non-Muslims. Its implication is also that Muslims should be rendered stateless, and would obviously pose a risk of causing any member of the Muslim community to feel a level of distress or concern. The panel noted that Mr Ryan did not pass any comment on the content, and took the view that by virtue of re-tweeting the content, Mr Ryan had thus implied approval of the content.

Mr Ryan again accepted in cross-examination that, on reflection, the words "did not look good". Mr Ryan accepted that the expressions in question could be deemed to be derogatory and expressed a level of regret and embarrassment at having re-tweeted the content.

The panel found allegation 1 b) proved in its entirety on the basis set out above.

2) Your behaviour as may be found proven at allegation 1 above;

a) demonstrated intolerance and/or hatred on the grounds of race/religion and/or sexual orientation;

b) undermined fundamental British values, in particular individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

In relation to allegation 2 a), there was no evidence that Mr Ryan expressed or held any racist views, or that he expressed any hatred on the grounds of religion or sexual orientation. However, for the reasons set out above, Mr Ryan's communications at allegations 1 a) i) and ii) and 1 b) represented a demonstration of intransigent views which, whatever their intention, would obviously not have been conducive to creating open debate, and were aggressive and derogatory in tone.

For those reasons, the panel was of the view that Mr Ryan did demonstrate intolerance on the grounds of religious (allegation 1a) i) and ii) and b) and sexual orientation (allegation 1a) i)). In particular, Mr Ryan's communications expressed fixed views in a tone of language which was derogatory of other groups and did not encourage open debate. Allegation 2 a) is found proved on this basis.

In relation to allegation 2 b) the panel found that the matters found proved at allegations 1 a) i) and ii) and 1b) did demonstrate a lack of respect and tolerance for those with different faiths and beliefs – and to that extent undermined the fundamental British values referred to in the Teachers' Standards. Allegation 2 b) is proved on this basis.

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

Having found a number of 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”.

The panel was satisfied that the conduct of Mr Ryan, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Ryan 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 ...
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including ... individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ...

The Advice indicates that where behaviours associated with the offences referred to exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct and conduct which may bring the profession into disrepute.

The panel found that Mr Ryan has demonstrated behaviour associated with intolerance on the grounds of race/religion or sexual orientation. However, Mr Ryan has never been investigated nor prosecuted for any criminal offence.

The panel noted that the allegations took place outside the education setting. Indeed, at no point, did Mr Ryan make his professional role public, or introduce his views into a school setting. There was also no evidence that any pupil or parent at the School was exposed to the content in question. Notwithstanding this, the conduct clearly had the potential to affect the way in which he fulfilled his teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. For example, some pupils could have viewed the content and experienced offence or distress whereas others could have been encouraged to express negative and/or derogatory opinions of Islam, Muslims and others.

For the avoidance of doubt, the panel is not of the view that properly raising important theological or political debates, or issues of freedom of expression, in a structured and sensible way would amount to unacceptable professional conduct. However, this is not what occurred in this case. Mr Ryan, and to his credit by his own admission following reflection, accepted that his tone and choice of words, and the content he re-tweeted, was inappropriate and unprofessional by reference to the Teachers' Standards.

The panel noted that Mr Ryan stated that he was motivated by local concerns about the social and political circumstances of criminal justice enforcement. Whilst the panel accepts that Mr Ryan held these concerns, it is of the view that, precisely because of such circumstances and local concerns, public comments on such issues should be measured and sober in tone if they are not to aggravate the situation. In the case of a teacher, such considerations are even more important and whilst there is no evidence of any harmful impact, there was a risk of such an impact. Whatever his original intention, by not appreciating this, Mr Ryan has acted recklessly.

The panel 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.

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Ryan's conduct amounted 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 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Ryan, which involved findings that he had demonstrated intolerance on the grounds of religion and sexual orientation and that he had undermined fundamental British values of mutual respect and tolerance of those with different faiths and beliefs, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ryan 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 Ryan was outside that which could reasonably be tolerated.

The panel also decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession.

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 Ryan.

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 Ryan. 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;
- actions or behaviours that undermine fundamental British values of ... individual liberty, mutual respect and tolerance of those with different faiths and beliefs;
- a deep-seated attitude that leads to harmful behaviour.

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.

In the light of the panel's findings, Mr Ryan's actions in creating or making the content referred to in allegation 1 publicly available was deliberate. However, in evidence Mr Ryan stated that he was not aware of the likely consequences or implications of his actions and the panel accepted this evidence. As already outlined, the panel regarded Mr Ryan's conduct in this respect as reckless in that he gave no proper consideration as to the impact that expression of, or implied endorsement of the content, might have on the perception of him as a teacher, and in turn how this could affect his ability to fulfil his functions as a teacher to members of the public and learners.

There is no evidence that Mr Ryan was acting under duress at the time. Whilst Mr Ryan explained that he was aggrieved and anxious about a number of well-publicised reports into local safeguarding issues which he perceived as linked to Islamic ideology, the panel does not regard this as amounting to duress.

The panel also noted that, whilst the time period in which the content in question was made available was relatively limited, this was not an isolated course of conduct. The panel also noted that the content in question was also directed against a number of different groups with political, cultural and religious beliefs distinct from those of Mr Ryan, so again could not be described as an isolated incidental expression or endorsement of a particular view.

However, the panel also noted that Mr Ryan removed the content himself, and in the two years since the allegations has not repeated any such conduct. Indeed, Mr Ryan in evidence stated that he regretted his actions deeply and would never engage in such conduct again. The panel accepted this and took the view that there was little risk of Mr Ryan repeating his behaviour whilst he remained committed to a career as a teacher.

The panel also had regard to Mr Ryan's record as a teacher, and noted that he had a good record. Similarly, there was no evidence that Mr Ryan's conduct did, in fact, have

any adverse impact upon any learners. For example, Mr Ryan did not communicate any such views within the educational setting.

The panel received evidence that Mr Ryan continued to engage in charitable activity, and also continued to be engaged in teaching English to asylum seekers. Mr Ryan also gave evidence that he had reflected upon his conduct and in fact did not hold the same attitudes as at the time of the allegations and nor would he express them in such a manner. Mr Ryan stated that he had never had any issues with people of different faiths, and highlighted that he had previously worked as a liaison between a school in Sheffield and the local mosque, and that, more recently, his attitudes had developed following his contact with Muslim asylum seekers and the opportunity he had to experience their relationship with their faith. Whilst the panel received no written character statements, or professional references, it accepted the veracity of Mr Ryan's comments under oath.

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 considered this very carefully, particularly in light of the evidence of Mr Ryan in which he had expressed both remorse for his actions, and insight into the circumstances in which he had come to act in such a manner. As already outlined, the panel took the view that Mr Ryan's insight weighs significantly against the risk of any repeated conduct, and indeed of Mr Ryan's not being able to perform his functions as teacher to all members of the public regardless of their backgrounds.

However, the panel had to weigh these considerations against the seriousness of the conduct. The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would be a proportionate and appropriate response to recommend a 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 Ryan of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel's decision that the public interest considerations outweighed the interests of Mr Ryan was a significant factor in forming that opinion. 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours was present, namely intolerance on the grounds of religion or sexual orientation. However, the panel took the view that the conduct of Mr Ryan required specific consideration, both in terms of his attitude to it and the overall context. Mr Ryan was not engaged in a concerted or sustained attempt to disseminate harmful content or intolerant views. Whilst not isolated as such, the conduct was relatively limited in nature and scope. More importantly though, Mr Ryan was able to give a coherent, articulate and compelling account as to how he had come to make such comments previously, and how he had come to regret his actions and appreciate the negative impact they could have on his teaching role. Put simply, the panel is satisfied that Mr Ryan has demonstrated a level of insight and remorse such that a review period should be specified, and is of the view that the shortest period, namely two years, should apply in his case.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after two years.

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 Ryan should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Ryan 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 ...
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including ... individual liberty and mutual respect, and tolerance of those with different faiths and beliefs...

The panel has gone on to say “The Advice indicates that where behaviours associated with the offences referred to exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct and conduct which may bring the profession into disrepute.”

The panel has also found that “Mr Ryan has demonstrated behaviour associated with intolerance on the grounds of race/religion or sexual orientation. However, Mr Ryan has never been investigated nor prosecuted for any criminal offence.”

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 Ryan, 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, “the conduct clearly had the potential to affect the way in which he fulfilled his teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. For example, some pupils could have viewed the content and experienced offence or distress whereas others could have been encouraged to express negative and/or derogatory opinions of Islam, Muslims and others.”

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 Ryan in evidence stated that he regretted his actions deeply and would never engage in such conduct again.” The panel has also commented that, “he had expressed both remorse for his actions, and insight into the circumstances in which he had come to act in such a manner. As already outlined, the panel took the view that Mr Ryan’s insight weighs significantly against the risk of any repeated conduct.” I have therefore given this element considerable weight in reaching my overall 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 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 panel also observe that, “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.”

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 Ryan himself. The panel report that “Mr Ryan continued to engage in charitable activity, and also continued to be engaged in teaching English to asylum seekers. Mr Ryan also gave evidence that he had reflected upon his conduct and in fact did not hold the same attitudes as at the time of the allegations and nor would he express them in such a manner. Mr Ryan stated that he had never had any issues with people of different faiths, and highlighted that he had previously worked as a liaison between a school in Sheffield and the local mosque, and that, more recently, his attitudes had developed following his contact with Muslim asylum seekers and the opportunity he had to experience their relationship with their faith.”

A prohibition order would prevent Mr Ryan 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, “However, the panel had to weigh these considerations against the seriousness of the conduct. The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would be a proportionate and appropriate response to recommend a 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 Ryan of prohibition.”

The panel went on to state that it, “was of the view that prohibition was both proportionate and appropriate. The panel's decision that the public interest considerations outweighed the interests of Mr Ryan was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ryan 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 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 a 2-year review period. This, as the panel set out is the minimum period set out in the legislation.

I have considered the panel's comments, "Put simply, the panel is satisfied that Mr Ryan has demonstrated a level of insight and remorse such that a review period should be specified, and is of the view that the shortest period, namely two years, should apply in his case."

I have considered whether a 2-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, I consider that it does.

This means that Mr Damien Ryan 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 30 December 2022, 2 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 Damien Ryan remains prohibited from teaching indefinitely.

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

Mr Damien Ryan 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 that reads "Mela Watts". The signature is written in a cursive, flowing style.

Decision maker: Mela Watts

Date: 21 December 2020

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