



Teaching  
Regulation  
Agency

# **Mr Michael Beresford: Professional conduct panel outcome**

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

**June 2021**

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

<b>Teacher:</b>	Mr Michael Beresford
<b>Teacher ref number:</b>	0136351
<b>Teacher date of birth:</b>	19 June 1967
<b>TRA reference:</b>	18624
<b>Date of determination:</b>	25 June 2021
<b>Former employer:</b>	Oasis Academy Temple (formerly Temple Primary School), Manchester

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 23 to 25 June 2021, to consider the case of Mr Michael Beresford (Mr Beresford).

The panel members were Steve Woodhouse (teacher panellist – in the chair), Duncan Tilley (lay panellist) and Juliet Berry (lay panellist).

The legal adviser to the panel was Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Sarah Vince of Browne Jacobson LLP solicitors.

Mr Beresford was present and was represented by Jonathan Storey of Counsel.

The hearing took place in public and was recorded, save for part of the hearing relating to the teacher’s [REDACTED] which were heard in private.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 28 April 2021.

It was alleged that Mr Beresford was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Executive Headteacher at the Oasis Academy Temple (formally the Temple Primary School) from March 2016 to December 2018;

- 1) In respect of the key stage 2 standard assessments, he caused and/or permitted and/or failed to prevent maladministration, specifically by;
  - a) on or around 14<sup>th</sup> May 2018 excessively assisting Pupil A during the English grammar, punctuation and spelling Paper 1;
  - b) on or around 14<sup>th</sup> May 2018 overemphasising words which he read out to pupils during the English grammar, punctuation and spelling Paper 2;
  - c) on or around 15<sup>th</sup> May 2018;
    - i) providing one or more pupils with additional time and/or guidance on answering the paper during the reading test;
    - ii) excessively assisting Pupil B and/or Pupil C during the reading test;
  - d) on around 16<sup>th</sup> May 2018 excessively assisting one or more pupils during the Maths Paper 1 (arithmetic);
  - e) on or around 16<sup>th</sup> May 2018 excessively assisting one or more pupils during the Maths Paper 2 (reasoning);
  - f) on or around 17<sup>th</sup> May 2018 excessively assisting Pupil A during the Maths Paper 3 (reasoning);
- 2) His conduct as may be found proven at 1 lacked integrity and/or was dishonest.

Mr Beresford admitted to the facts of allegations 1(a), 1(c)(i), 1(c)(ii), 1(d), 1(e), 1(f) and 2. Mr Beresford did not admit to the facts of allegation 1(b).

Mr Beresford accepted that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

Excluding the Public

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This followed a request by the teacher's representative that part of the hearing relating to [REDACTED], should be heard in private.

The panel determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for part of the hearing to be heard in private was a reasonable one given the concerns about confidential matters relating to the [REDACTED] being placed in the public domain. The panel took into account the considerable amount of written evidence including [REDACTED].

The panel had regard to whether the teacher's request ran contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continues any decision of the Secretary of State will also be in public. The panel considered that in the circumstances of this case where the facts are so intertwined with private matters relating to the [REDACTED] that the public interest will be satisfied by these public announcements. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained.

The panel therefore decided that it was in the public interest for the hearing to be held in public but decided it would hear parts relating to Mr Beresford's [REDACTED] in private.

#### Amendment to the stem of the allegation

An application was made by the teacher's representative to amend the word "formally" in the stem of the allegation in the Notice of Proceedings to "formerly". In addition, the panel recognised a factual error within the stem of the allegation relating to the period from which Mr Beresford was employed at the School. The panel sought to amend the period from "March 2016 to December 2018" to "January 2017 to December 2018" as Mr Beresford was employed at the School from January 2017.

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The presenting officer agreed to the change of word from “formally” to “formerly” in the stem of the allegation and both the presenting officer and teacher’s representative consented to the change in time period from which Mr Beresford was employed at the School, namely from “March 2016 to December 2018” to “January 2017 to December 2018”.

The panel considered that the amendments, being a correction of a typographical error and factual error, would not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher’s case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice could be caused to the teacher. The panel therefore decided to amend the allegation as proposed.

The stem of the allegation was therefore amended to:

It was alleged that Mr Beresford was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Executive Headteacher at the Oasis Academy Temple (formerly the Temple Primary School) from January 2017 to December 2018.

## **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 3

Section 2: Notice of Referral and response and the Notice of proceedings and response – pages 5 to 22

Section 3: Teaching Regulation Agency witness statements – pages 24 to 71

Section 4: Teaching Regulation Agency documents – pages 73 to 320

Section 5: Teacher documents – pages 322 to 595

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

## **Witnesses**

The panel heard oral evidence from the following witnesses who were called by the presenting officer on behalf of the TRA:

Witness A – REDACTED

Witness B – REDACTED

The panel heard oral evidence from the following witnesses who were called by the teacher's representative on behalf of Mr Beresford:

Witness C – former parent governor, Oasis Academy Temple

Witness D – parent of pupils attending Oasis Academy Temple during Mr Beresford's employment

Witness E – former colleague, Oasis Academy Aspinall

Witness F – former Chair of Governors, Oasis Academy Temple

Witness G – former colleague, Oasis Academy Temple

In addition, Mr Beresford gave oral evidence at the hearing.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

During May 2018, key stage 2 pupils at Oasis Academy Temple ("the School") undertook national curriculum tests (commonly known as SATs). Allegations of malpractice arose following conversations between pupils and members of staff at the School. The allegations suggested that there had been over-aiding by Mr Beresford during the SATs. On 8 June 2018, the Standards and Testing Agency ("STA") commissioned Manchester City Council to undertake an investigation into the administration of the SATs at the School. As a result of the Council's findings, the STA decided upon a full cohort annulment for all subjects. On 10 September 2018, an investigation began to determine who was responsible for, aided and/or abetted or was complicit in the maladministration. On 30 November 2018, Mr Beresford was invited to attend a disciplinary hearing on 18 December 2018. The disciplinary hearing did not go ahead and around that time Mr Beresford ceased working at the 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) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**a) on or around 14<sup>th</sup> May 2018 excessively assisting Pupil A during the English grammar, punctuation and spelling Paper 1;**

The panel considered Mr Beresford's admission to the facts of this allegation. Mr Beresford stated in his statement dated 26 May 2021 *"with regards to excessively assisting Pupil A during the English grammar, punctuation, and spelling Paper 1, on or around 14 May 2018, I admit this... Although I have no specific memory of the incident, I have no reason to doubt the account given by the child or [REDACTED] report. Looking back, I do recall coming away from some desks blushing, as if I knew I had done something wrong."*

The panel also considered Mr Beresford's admission to this allegation during the course of the hearing, although noted that Mr Beresford could not fully recall the incident.

Witness A explained during the hearing that on 11 July 2018, he had a group conversation with year 6 pupils to explain that they would not be receiving their SATs results and there was an ongoing investigation to ensure that the SATs were administered fairly. Witness A stated that before he had the opportunity to finish what he was saying, pupils began putting their hands up. Witness A asked the pupils to share information with him verbally, with the exception of disclosing the name of the staff member. The pupils were asked to write the name of the staff member on a post-it note.

The panel considered the handwritten note of Witness A from the group discussion on 11 July 2018, which contained the following statement from Pupil A:

*"member of staff helped me on 2 papers. It was SPaG, fact & opinion, I ticked the wrong box & he pointed & said it was wrong. I didn't know what was wrong so then he said it was the same answer as one of the other ones."*

Witness A, confirmed that "SPaG" meant "spelling, punctuation and grammar". Witness A stated that Pupil A's comments related to Mr Beresford as Pupil A wrote "Mr Beresford" on the post-it note.

Therefore, the panel found allegation 1a proved.

**1) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**c) on or around 15<sup>th</sup> May 2018;**



**i) providing one or more pupils with additional time and/or guidance on answering the paper during the reading test;**

The panel considered Mr Beresford's admission to the facts of this allegation. Mr Beresford stated in his written evidence that *"with regards to providing one or more pupils with additional time and/or guidance on answering the paper during the reading rest, on or around 15 May 2018, I admit this"*.

Witness B was involved in invigilating the reading paper. Witness B stated that *"After reading the section about "using information in the texts to answer questions", Mr Beresford asked the pupils to turn the page to question one (pages 4/5) and to open the reading booklet to the first text before the test had formally begun."*

Witness B explained during the hearing that whilst it was a *"marginal"* amount of extra time, it was still over and above what was permitted by the rules.

Witness G stated that during the reading test, Mr Beresford *"read the title of the book and gave examples from the test."* Witness G agreed with the presenting officer that she did witness this malpractice and *"saw something which shouldn't have happened."*

Therefore, the panel found allegation 1(c)(i) proved.

**1) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**c) on or around 15<sup>th</sup> May 2018;**

**ii) excessively assisting Pupil B and/or Pupil C during the reading test;**

The panel considered Mr Beresford's admission to the facts of this allegation. Mr Beresford stated that although he had *"no specific recollection of it, I do recall coming away from some desks blushing as if I knew I had done something wrong and I accept that giving this sort of assistance was in breach of the test administration guidance"*.

The panel considered Witness A's note of the whole class discussion about the SATs. Witness A's note contained a statement from Pupil B which stated that *"on the reading test, member of staff said to check answer, I did but I didn't find anything wrong"*. When Pupil B was asked by Witness A to write the name of the staff member that she was referring to on a post-it note, Pupil B identified the member of staff to be Mr Beresford.

The panel also considered Pupil C's hand written note stating that *"in the reading test, Mr Beresford told me that I got a question wrong so I changed it and he said that it was ok."*

The panel found allegation 1(c)(ii) proved.

**1) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**d) on around 16<sup>th</sup> May 2018 excessively assisting one or more pupils during the Maths Paper 1 (arithmetic);**

The panel considered Mr Beresford's admission to the facts of this allegation.

The panel considered Witness A's note of the whole class discussion about the SATs. Witness A's note contained a statement from Pupil K which stated that "*on the arithmetic, someone helped [Pupil F] and told her the steps.*" When Pupil K was asked by Witness A to write the name of the staff member he was referring to on a post-it note, Pupil K identified the member of staff to be Mr Beresford.

Therefore, the panel found allegation 1(d) proved.

**1) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**e) on or around 16<sup>th</sup> May 2018 excessively assisting one or more pupils during the Maths Paper 2 (reasoning);**

The panel considered Mr Beresford's admission to the facts of this allegation.

The panel considered the handwritten statements from a number of pupils:

- Pupil G stated: "*I asked Mr Beresford to read the second to last question on reasoning paper two and then he said "I would not change that if I were you" and then he checked my whole paper (by picking it up) and said "well done"*".
- Pupil D stated: "*In the first reasoning test Mr Beresford said "subtract the numbers", it was on the pentagon and triangle question near the end.*"
- Pupil E stated: "*I asked Mr Beresford to read the question to me after he read it, he told me to work out a calculation. Whilst I was working it out he told me the answer so I could easily work out the other part of the question.*"

The panel also considered the handwritten note of Witness A from the group discussion on 11 July 2018, which contained the following statements from a number of pupils:

- Pupil H: "*Was on the reasoning paper 2 and whilst I was doing my test, last question, he was working it out with me.*" Witness A stated in oral evidence that the initials "MB" on the handwritten note, referred to the name of the staff member that Pupil H had written on a post-it note, which was Mr Beresford.
- Pupil I: "*Reasoning 2 Paper member of staff told me the method of how to do the question.*" Witness A stated in oral evidence that the initials "MB" on the handwritten note, referred to the name of the staff member that Pupil I had written on a post-it note, which was Mr Beresford.

- Pupil J: *“Reasoning 2 Paper, basically when I was doing the test he told me an answer.”* Witness A stated in oral evidence that the initials “MB” on the handwritten note, referred to the name of the staff member that Pupil J had written on a post-it note, which was Mr Beresford.

The panel found allegation 1(e) proved.

**1) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**f) on or around 17<sup>th</sup> May 2018 excessively assisting Pupil A during the Maths Paper 3 (reasoning);**

The panel considered Witness A’s hand written note stating that Pupil A had informed him that on the last maths paper, a member of staff had pointed to the main words in the question about the alligator or crocodile. When Pupil A was asked by Witness A to write the name of the staff member she was referring to on a post-it note, Pupil A identified the member of staff to be Mr Beresford.

The panel considered Mr Beresford’s admission to the facts of this allegation. Mr Beresford stated that he could not recall the crocodile question, but had *“no reason to doubt the child’s comments in [REDACTED] report. Many children would ask us to read the question, which we can do, however, I do recall coming away from some desks blushing, as if I knew I had done something wrong.”*

The panel found allegation 1(f) proved.

**2) Your conduct as may be found proven at 1 lacked integrity and/or was dishonest.**

The panel had regard for the legal adviser’s advice when considering an allegation of dishonesty. The panel needed first to ascertain subjectively the actual state of Mr Beresford’s knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Beresford’s state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Mr Beresford’s knowledge or belief as to the facts. The panel noted that Mr Beresford came away from desks *“blushing”* after over-aiding pupils. Mr Beresford stated in oral evidence that he knew he had *“gone wrong but kept on doing wrong”*.

The panel noted that Mr Beresford had explained that he was in a *“fog”* at the time of the SATs and he couldn’t understand why he kept *“doing wrong”*.

The panel considered Mr Beresford’s admission to the facts of this allegation. The panel recognised that by blushing and accepting that he did wrong, Mr Beresford acted

deliberately to impact upon the pupils' answers. The panel further recognised that Mr Beresford had the opportunity to stop after the first incident and check himself. However, Mr Beresford's misconduct carried on. Furthermore, the panel found that these actions would be regarded by the standards of ordinary, decent people to be dishonest.

When considering lack of integrity, the panel recognised that this allegation connotes adherence to the ethical standards of one's own profession that involves more than mere honesty. It is linked to the manner in which the profession professes to serve the public.

The panel recognised that in addition to Mr Beresford acting dishonestly, Mr Beresford's actions impacted on the pupils, parents, community, individual colleagues and the School as a whole.

The panel noted the effect that the annulment of the SATs results would have on the pupils. The panel heard evidence from Witness C who stated that it was a "sad time" and pupils were "upset". The panel noted Mr Beresford's disregard for the significant potential risk to the pupils academic future as a result of his actions. In addition, the panel noted the clear reputational damage to the School.

The panel considered that Mr Beresford's behaviour did not adhere to the ethical standards of a teacher and was in contrast to the manner in which the profession professes to serve the public. The panel therefore found allegation 2 proved.

The panel found the following particulars of the allegations against you not proved, for these reasons:

**1) In respect of the Key Stage 2 standard assessments, you caused and/or permitted and/or failed to prevent maladministration, specifically by;**

**b) on or around 14<sup>th</sup> May 2018 overemphasising words which you read out to pupils during the English grammar, punctuation and spelling Paper 2;**

The panel considered Mr Beresford's denial that he overemphasised words during the English grammar, punctuation and spelling Paper 2. Mr Beresford stated that "*the Hall had very poor acoustics and I have a loud voice so I tried to be as clear as I could. I am sure I did not deliberately over-pronounce words to assist the children.*"

The panel heard evidence from Witness A and B, who were both present during the spelling test on how they remembered the way in which Mr Beresford conducted the spelling test. One word in particular was brought to the panel's attention, namely "*inconceivable*".

Witness A and B explained that they felt that the word was "*broken down*" or "*chunked*" into syllables, placing an overemphasis on how to spell the word, which is not permitted under the SAT rules.

The panel also heard evidence from Witness G who was also present during the spelling test. Witness G stated that she did not hear the word *“inconceivable”* being *“broken down”* or *“chunked”* by Mr Beresford. Witness G stated that she would *“find it hard to believe that I wouldn’t have picked it up at the time.”*

The panel noted that a different member of staff who had been present during the spelling test, was questioned as part of an investigation into the malpractice of the SATs and had been asked whether there was *“anything about the administration of the spelling test which caused you concerns, raised any questions in your mind?”* The member of staff replied *“no, not at all”*. When asked further about whether there was *“anything that Mick Beresford did or said which caused you concern?”* The member of staff replied *“no”*. The panel noted that the member of staff did state that she *“was so focused on the children – keeping an eye out for them putting their hands up that I didn’t notice anything.”*

The panel found some difficulty in reaching its decision, as the evidence presented was finely balanced. The panel noted that Witness B stated in written evidence that *“I felt Mr Beresford read the spellings with improper emphasis, particularly in the cases of the words “portable” and “inconceivable””*. When Witness B was questioned on these two words, Witness B was entirely focused on the one word *“inconceivable”*. The panel noted that the allegation refers to the plural of *“overemphasising words”* rather than just overemphasising one single word.

On the balance of probabilities, the panel did not find allegation 1(b) proved.

## **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 Mr Beresford’s conduct, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Beresford was in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the SATs administration comes with clear administration guidance from the STA for schools to understand the statutory requirements for key stage 2 tests and how to administer the tests correctly. The panel was satisfied that Mr Beresford's conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Having found allegation 2 proved, which amounted to a finding of dishonesty, the panel considered whether Mr Beresford's conduct displayed behaviours associated with the offence of serious dishonesty listed on page 10 of the Advice. The panel found that even though Mr Beresford's conduct was dishonest, the behaviour did not fall into the category of serious dishonesty. The panel took into consideration their experience in reaching decisions which amounted to serious dishonesty in other misconduct hearings.

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

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 panel noted the effect that the annulment of the SATs results would have on the pupils and wider community. The panel noted Mr Beresford's disregard for the significant potential risk to the pupils academic future as a result of his actions. In addition, the panel noted the clear reputational damage to the School.

The panel therefore found that Mr Beresford's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1(a), 1(c)(i), 1(c)(ii), 1(d), 1(e), 1(f) and 2 proved, the panel further found that Mr Beresford'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 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 maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Beresford which involved failings to permit and/or prevent maladministration, there was a strong public interest consideration in respect of the public confidence in the profession which could be seriously weakened if conduct, such as that found against Mr Beresford, was 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 Beresford was outside that which could reasonably be tolerated.

The panel 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, 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 Beresford.

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 Beresford. 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;
- abuse of position or trust;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- other deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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.



There was evidence that Mr Beresford's actions were deliberate; the panel noted that Mr Beresford came away from desks "*blushing*" after over-aiding pupils. Mr Beresford stated in oral evidence that he knew he had "*gone wrong but kept on doing wrong*".

There was no evidence to suggest that Mr Beresford was acting under duress.

Mr Beresford did have a previous good history and the panel accepted that the incident was out of character. The panel recognised that Mr Beresford was not previously subject to disciplinary proceedings.

The panel heard evidence from Witness C during the hearing who described Mr Beresford as "*highly professional and diligent*" and that she "*couldn't say anything negative*" about him. Witness C added that as a parent governor, given the opportunity she would "*take him back.*"

Witness D described Mr Beresford as "*role model*" and a "*brilliant asset*".

Witness E described Mr Beresford as "*very supportive*" and had a "*big impact on classroom practice*".

Witness F stated that "*staff developed quickly*" under Mr Beresford's leadership.

Witness G described Mr Beresford as an "*exemplary*" teacher.

The panel also saw extensive written evidence within the bundle of Mr Beresford's good character. A previous colleague described Mr Beresford as "*a supportive, inspirational and caring leader.*"

The panel also noted that Mr Beresford was going through a difficult period of time with [REDACTED].

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 taking into account the mitigating factors and the severity of the consequences for Mr Beresford 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 Beresford. The fact that Mr Beresford showed a complete disregard for the statutory frameworks in which teachers must operate was a significant factor in forming that opinion. The panel were aware of the need to maintain the public confidence and integrity



of the national curriculum assessments. The panel noted that the academic achievements of pupils are at the heart of the teaching profession. Mr Beresford completely undermined these fundamental principles. The panel recognised the level of responsibility that came with his position as Executive Principal and Mr Beresford's role in improving standards in the School, rather than undermining them.

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 panel noted that Mr Beresford showed little remorse or insight at the outset and initially accepted no responsibility. Over time Mr Beresford's position changed to accept his failings and these were expressed clearly. The panel gave him credit for engaging willingly and openly during the TRA investigation, admitting the majority of the allegations.

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 2 year 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 the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found one of the allegations not proven. I have therefore put that matter entirely from my mind.

The panel has made a recommendation to the Secretary of State that Michael Beresford should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mr Beresford is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.
- 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 Mr Beresford’s conduct 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 dishonesty on the part of an executive headteacher. However I note that the panel did not find serious dishonesty.

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 Beresford, 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 the academic achievements of pupils are at the heart of the teaching profession. Mr Beresford completely undermined these fundamental principles.” 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 Beresford showed little remorse or insight at the outset and initially accepted no responsibility. Over time Mr Beresford’s position changed to accept his failings and these were expressed clearly. The panel gave him credit for engaging willingly and openly during the TRA investigation, admitting the majority of the allegations.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the effect that the annulment of the SATs results would have on the pupils and wider community. The panel noted Mr Beresford’s disregard for the significant potential risk to the pupils academic future as a result of his actions. In addition, the panel noted the clear reputational damage to the School.

I am particularly mindful of the finding of dishonesty 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 Beresford himself. The panel comment that it, “saw extensive written evidence within the bundle of Mr Beresford’s good character”. A previous colleague described Mr Beresford as “*a supportive, inspirational and caring leader.*”

The panel also noted that Mr Beresford was going through a difficult period of time with [REDACTED].

A prohibition order would prevent Mr Beresford 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 “Mr Beresford showed a complete disregard for the statutory frameworks in which teachers must operate was a significant factor in forming that opinion. The panel were aware of the need to maintain the public confidence and integrity of the national curriculum assessments. The panel noted that the academic achievements of pupils are at the heart of the teaching profession. Mr Beresford completely undermined these fundamental principles. The panel recognised the level of responsibility that came with his position as Executive Principal and Mr Beresford’s role in improving standards in the School, rather than undermining them.”

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

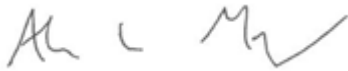
I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I agree. Two years is the minimum review period and is in my view proportionate.

**This means that Mr Michael Beresford 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 2023, 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 Michael Beresford remains prohibited from teaching indefinitely.

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

Mr Michael Beresford 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 blue ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

**Decision maker: Alan Meyrick**

**Date: 2 July 2021**

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