



Teaching
Regulation
Agency

Mr Andrew Oldfield: Professional conduct panel meeting outcome

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

May 2022

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

Teacher:	Mr Andrew Oldfield
Teacher ref number:	1649890
Teacher date of birth:	28 May 1986
TRA reference:	19049
Date of determination:	6 May 2022
Former employer:	Horn's Mill Primary School

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 6 May 2022 by way of a virtual meeting, to consider the case of Mr Andrew Oldfield.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Ms Oluremi Alabi (lay panellist) and Mr Neil Hillman (teacher panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Oldfield that the allegations be considered without a hearing. Mr Oldfield provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Ruth Miller of Fieldfisher solicitors, Mr Oldfield or any representative for Mr Oldfield.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 2 March 2022.

It was alleged that Mr Oldfield was guilty of having been convicted of a relevant offence, in that on 23 September 2020 he was convicted of:

1. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, offender over 18, penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i);
2. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, offender over 18, penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i);
3. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, Offender over 18, penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i);
4. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, Offender over 18 - penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i).

Mr Oldfield admitted the facts of allegations 1 to 4 and that his behaviour amounted to a conviction of a relevant offence, as set out and signed by him, in the response to the notice of referral dated 1 November 2021 and in the statement of agreed facts signed by his representative on 6 December 2021.

Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 15
- Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 20
- Section 4: Teaching Regulation Agency documents – pages 21 to 70

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Oldfield's representative on 6 December 2021.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Oldfield for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Oldfield was employed as a class teacher at Horn's Mill Primary School ('the School') from 23 April 2018.

On 6 January 2020, Mr Oldfield voluntarily attended Widnes Police Station and disclosed to the police that he had had sexual contact with [REDACTED].

On 28 July 2020, Mr Oldfield's employment at the School was terminated.

Mr Oldfield was convicted of four counts of adult sexual activity with a female child [REDACTED] aged 13-17 – offender over 18 – penetration, at Liverpool Crown Court on 23 September 2020. Mr Oldfield was sentenced on 23 October 2020.

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. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, offender over 18, penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i);**
- 2. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, offender over 18, penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i);**
- 3. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, Offender over 18, penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i);**
- 4. Adult sexual activity with a female child [REDACTED] aged between 13 and 17, Offender over 18 - penetration between 1 June 2019 and 5 January 2020, contrary to the Sexual Offences Act 2003 s.25 (1) (e) (i).**

The panel considered the statement of agreed facts, signed by Mr Oldfield's representative on his behalf, on 6 December 2021. In that statement of agreed facts, Mr Oldfield admitted the particulars of allegations 1, 2, 3 and 4. Further, it was admitted the facts of the allegations amounted to a conviction of a relevant offence.

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Liverpool Crown Court, which detailed that Mr Oldfield had been convicted of four counts of adult sexual activity with a female child [REDACTED] aged 13-17 – offender over 18 – penetration between 1 June 2019 and 5 January 2020. The panel specifically noted the certificate of conviction stated that Mr Oldfield had been convicted upon his own confession.

In respect of the allegations, Mr Oldfield was sentenced at Liverpool Crown Court on 23 October 2020 to 4 year's imprisonment on each offence to run concurrent. In addition, he was made subject to a Restraining Order until 3 June 2026, ordered to pay a victim

surcharge of £170 and, until further order, was placed on the Sex Offenders Register and made subject to a Sexual Harm Prevention Order.

On examination of the documents before the panel, the panel was satisfied that the facts of allegations 1, 2, 3 and 4 were proven.

Findings as to conviction of a relevant offence

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of a relevant offence.

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

Mr Oldfield’s conduct was of the utmost seriousness and completely incompatible with the standards and behaviour expected of any member of the public, let alone a teacher who is placed in the position of trust with children.

The panel noted that Mr Oldfield’s actions took place outside of the education setting and did not involve any pupils or members of staff at the School. The panel was aware that an offence can be considered relevant even if it did not involve misconduct in the course of teaching. The panel concluded that Mr Oldfield’s criminal conduct, sexual activity with a female child [REDACTED] aged 13-17 – offender over 18 – penetration, was highly relevant to teaching, working with children and/or working in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Oldfield’s behaviour in committing the offences would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Oldfield’s behaviour ultimately led to a sentence of imprisonment of significant length, which was indicative of the seriousness of the offences committed.

This was a case involving an offence of sexual activity, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Oldfield's ongoing suitability to teach. The panel considered that a finding that these convictions, for relevant offences, was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

In summary, the panel found the facts of allegations 1, 2, 3 and 4 proven and that the proven facts amounted to a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Oldfield, which involved convictions for four counts of adult sexual activity with a female child [REDACTED] aged between 13 and 17, involving penetration, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Oldfield.

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 Oldfield. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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

The panel noted that no evidence in mitigation was submitted by Mr Oldfield for them to consider.

There was no evidence that Mr Oldfield's actions were not deliberate.

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

There was no evidence before the panel that Mr Oldfield demonstrated exceptionally high standards in both personal and professional conduct, nor had he contributed significantly to the education sector.

The panel noted that Mr Oldfield had reported himself to the police and made admissions to his conduct. However, the panel was not presented with any evidence to show that Mr Oldfield was remorseful or had any significant insight into his actions.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Oldfield 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 Oldfield. The seriousness of the convictions, involving sexual activity, 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 to recommend that a review period of the order should be considered. 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 is the commission of a serious criminal offence, including those that resulted in a conviction or caution. The panel found that Mr Oldfield was convicted of four counts of adult sexual activity with a female child [REDACTED] aged between 13 and 17, involving penetration. The panel was in no doubt that Mr Oldfield's misconduct was of the most serious kind and his conduct was wholly incompatible with being a teacher.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to relevant convictions.

The panel has made a recommendation to the Secretary of State that Mr Andrew Oldfield should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Oldfield 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;

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In addition, the panel has stated, “Mr Oldfield’s conduct was of the utmost seriousness and completely incompatible with the standards and behaviour expected of any member of the public, let alone a teacher who is placed in the position of trust with children.”

The findings of misconduct are particularly serious as they include a finding of adult sexual activity with a female child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Oldfield, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “the panel’s findings against Mr Oldfield, which involved convictions for four counts of adult sexual activity with a female child [REDACTED] aged between 13 and 17, involving penetration, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children.” 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, “The panel noted that Mr Oldfield had reported himself to the police and made admissions to his conduct. However, the panel was not presented with any evidence to show that Mr Oldfield was remorseful or had any significant insight into his actions.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel considered that Mr Oldfield’s behaviour in committing the offences would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.”

I am particularly mindful of the finding of sexual activity with a child 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 a relevant conviction, 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 Oldfield himself. The panel comment “There was no evidence before the panel that Mr Oldfield demonstrated exceptionally high standards in both personal and professional conduct, nor had he contributed significantly to the education sector.”

A prohibition order would prevent Mr Oldfield 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, “The panel was in no doubt that Mr Oldfield’s misconduct was of the most serious kind and his conduct was wholly incompatible with being a teacher.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Oldfield has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments “The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.”

I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the

profession. In this case, the factors which mean that allowing for no review is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the convictions and the lack of either full insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Andrew Oldfield is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Andrew Oldfield shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Andrew Oldfield 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 vertical line to the right of the signature.

Decision maker: Alan Meyrick

Date: 9 May 2022

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