



Teaching
Regulation
Agency

Mr Peter James Trevelyan: Professional conduct panel meeting outcome

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

April 2022

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

Teacher:	Mr Peter James Trevelyan
Teacher ref number:	773863
Teacher date of birth:	29 March 1955
TRA reference:	19504
Date of determination:	25 April 2022
Former employer:	Vibe Teaching

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 25 April 2022 by way of a virtual meeting, to consider the case of Mr Peter Trevelyan.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Ms Nicola Hartley (lay panellist).

The legal adviser to the panel was Ms Natalie Kent 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 Trevelyan that the allegations be considered without a hearing. Mr Trevelyan 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, Mr Michael O'Donohoe of Browne Jacobson LLP solicitors, Mr Trevelyan or any representative for Mr Trevelyan.

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

Allegations

The panel considered the allegation set out in the amended notice of meeting dated 22 April 2022.

It was alleged that Mr Trevelyan had been convicted, at any time, of a relevant offence, in that:

1. On or around 15 November 2019 he struck one or more pupils with a ball during a PE lesson, for which on or around 24 July 2020, he was convicted at Central London Magistrates' Court of five offences by beating.

Mr Trevelyan admitted the facts of the allegation and that his behaviour amounted to a conviction of a relevant offence, as set out in the statement of agreed facts signed by Mr Trevelyan on 9 September 2021.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 12
- Section 3: Statement of agreed facts and presenting officer representations – pages 13 to 18
- Section 4: Teaching Regulation Agency documents – pages 19 to 44
- Section 5: Teacher documents – pages 45 to 106

There are also 5 unnumbered pages at the end of the bundle which consist of an amended notice of hearing and related emails.

In addition, the panel agreed to accept the following:

- Amended notice of meeting dated 22 April 2022.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and additional document admitted by the panel.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Trevelyan on 9 September 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 Trevelyan for the allegation 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 Trevelyan registered with Vibe Teaching ('the Agency') on 16 September 2019. On 15 November 2019, Mr Trevelyan was placed in a supply placement at Thomas' Academy ('the School').

On the afternoon of 15 November 2019, an incident occurred in a PE lesson regarding alleged physical assaults on pupils at the School. Mr Trevelyan was asked by the headteacher to leave the School.

A parent of one of the pupils who took part in the PE lesson made a complaint to the police on 16 or 17 November 2019. On 18 November 2019, the headteacher reported the incident to the LADO. The LADO and the police both investigated the incident.

On 19 December 2019, Mr Trevelyan was interviewed by the police under caution.

On 2 April 2020, Mr Trevelyan was consequently charged with five counts of assault by beating.

Mr Trevelyan pleaded guilty and was convicted of all five offences at the Central London Magistrates Court on 24 July 2020.

Findings of fact

The findings of fact are as follows:

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

1. On or around 15 November 2019 you struck one or more pupils with a ball during a PE lesson, for which on or around 24 July 2020, you were convicted at Central London Magistrates' Court of five offences by beating.

The panel considered a statement of agreed facts, signed by Mr Trevelyan on 9 September 2021. In the statement of agreed facts, Mr Trevelyan admitted that on 24 July 2020 at Central London Magistrates Court, he was convicted of five counts of assault by beating, contrary to section 39 of the Criminal Justice Act 1988.

Mr Trevelyan admitted that he was sentenced to a community order with an unpaid work requirement of 80 hours to be supervised by the responsible officer; to pay a victim surcharge of £90; and to pay costs of £85 to the Crown Prosecution Service.

The panel was provided with a copy of the Certificate of Conviction from Central London Magistrates Court, which confirmed Mr Trevelyan's convictions in respect of the offences referred to within the allegation.

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 hearing will not re-examine the facts of the case and the panel will accept the conviction as conclusive proof that establishes the relevant fact. The panel considered the 'police report - case summary' and the record of interviews but noted that in light of the Advice, the pupils' statements were not as central to the fact finding process as they may have been had there not been a conviction.

Therefore, on examination of the documents before the panel, the panel was satisfied that the facts of the allegation were proven.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Trevelyan, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Trevelyan was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 behaviour involved in committing the offence had an impact on the safety and well-being of pupils which was demonstrated by the pupils' accounts to the police in which one pupil stated they were "*angry cos I'm going to remember that now*". The panel noted that none of the pupils were seriously hurt but also noted that there was a risk that they could have been and that the behaviour which led to the conviction raised serious safeguarding concerns.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Trevelyan's behaviour in committing the offence could 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 Trevelyan's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

This was a case involving an offence of violence, 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, and that it involved violent behaviour towards young children, was relevant to Mr Trevelyan's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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; declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Trevelyan, which involved a conviction of five counts of beating, 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 Trevelyan was 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 Trevelyan 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 Trevelyan.

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 Trevelyan. 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.
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violating of the rights of pupils.

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

There was no evidence that Mr Trevelyan's actions were not deliberate, although the panel did accept Mr Trevelyan's evidence that he did not intend to hurt the pupils.

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

The panel noted a number of character references provided on behalf of Mr Trevelyan to attest to his previous history as a teacher. In particular, the panel noted the following:

- Individual A [REDACTED] has known Mr Trevelyan since mid 1990's
 - *"From my knowledge of James I have found this difficult to comprehend as throughout the years I have known him he has always been a very committed teacher, and parent that has huge energy, good humour, selflessness and a willingness to help in anyway he can to support the activities of his pupils, school, the scout group and the Methodist church."*
 - *"He is intelligent, friendly, engaging, witty, caring, generous with his time and always willing to assist others."*
- Individual B [REDACTED] has known Mr Trevelyan for 20 years
 - *"He has worked with the most vulnerable and challenging children who have severe learning difficulties and Autism. He was respected and loved by parents, staff and children during all his years."*
 - *"I am totally convinced that there would have been no intention to hurt any child. It goes against a distinguished career in the Special Need Sector- so much more challenging than mainstream and needing staff with high levels of empathy and care for such vulnerable children."*
- Individual C [REDACTED]
 - *"He is highly regarded within the congregation and held in esteem and love by those who know him, including the young people with whom he assists."*
- Individual D [REDACTED]
 - *"We would note that Peter came to us well regarded and throughout our registration process he conducted himself well, showing ongoing passion for children, education and people in general."*

Giving particular weight to Individual B's evidence regarding Mr Trevelyan's contribution within a special school where he had worked for 25 years and that he had, prior to this incident, an unblemished record over a 40 year career in education, Mr Trevelyan appeared to have had high standards in both personal and professional conduct and that he had contributed to the education sector.

In Mr Trevelyan's witness statement, he admitted that, with the benefit of hindsight, he recognised that he should have stopped the lesson, taken the pupils inside and taught an alternative activity. Looking back, Mr Trevelyan felt that he was too keen to do a good job on his first teaching placement for the Agency but allowed the less than perfect circumstances to affect him.

Mr Trevelyan stated that he felt mortified by his lapse of judgement and that it was never his intention to cause harm to anyone.

Mr Trevelyan has paid the £175 fine and collection order, completed 80 hours unpaid work requirement and completed community service at Sue Ryder.

The panel considered these mitigation factors when determining whether Mr Trevelyan had shown insight into his actions. The panel noted that following the incident, Mr Trevelyan denied any wrongdoing which led to the pupils having to give police statements. Whilst the panel accepted that eventually Mr Trevelyan had shown remorse for his actions, they felt there was insufficient evidence that the insight Mr Trevelyan had shown extended to the impact his actions had had on the pupils affected.

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 accepted that the conviction had indeed had an extremely detrimental impact on Mr Trevelyan [REDACTED]. However, the panel noted that this impact had come as a result of the conviction [REDACTED].

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.

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 Trevelyan. The fact Mr Trevelyan's conduct had involved behaving violently towards his pupils and had resulted in a conviction were significant factors 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 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found that Mr Trevelyan was not responsible for any such behaviours.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours include violence. The panel found that Mr Trevelyan was responsible for a conviction of five counts of beating contrary to section 39 of the Criminal Justice Act 1988.

Notwithstanding this, the panel found that this was an isolated incident resulting from a grave lapse of judgment in an otherwise unblemished career. The panel noted that there was a breadth of evidence to support this, in particular the varied and voluminous character references which all supported that this was a one off incident which was completely out of character.

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 of 2 years. The panel hoped that within this period, Mr Trevelyan will develop insight into the impact his behaviour had on the pupils.

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 allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Peter Trevelyan should be the subject of a prohibition order, with a review period of two years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Trevelyan fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a conviction for 5 counts of beating.

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 a relevant conviction, 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 Trevelyan, 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 pupils. The panel has observed, “In light of the panel’s findings against Mr Trevelyan, which involved a conviction of five counts of beating, there was a strong public interest consideration in respect of the protection of pupils.” 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, “In Mr Trevelyan’s witness statement, he admitted that, with the benefit of hindsight, he recognised that he should have stopped the lesson, taken the pupils inside and taught an alternative activity. Looking back, Mr Trevelyan felt that he was too keen to do a good job on his first teaching placement for the Agency but allowed the less than perfect circumstances to affect him.” The panel has also commented that “Mr Trevelyan stated that he felt mortified by his lapse of judgement and that it was never his intention to cause harm to anyone.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Trevelyan was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction of five counts of beating, 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 Trevelyan himself and the panel had sight of a number of character references and observed “ Giving particular weight to Individual B’s evidence regarding Mr Trevelyan’s contribution within a special school where he had worked for 25 years and that he had, prior to this incident, an unblemished record over a 40 year career in education, Mr Trevelyan appeared to have had high standards in both personal and professional conduct and that he had contributed to the education sector.”

A prohibition order would prevent Mr Trevelyan from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning insight or remorse, “The panel noted that following the incident, Mr Trevelyan denied any wrongdoing which led to the pupils having to give police statements. Whilst the panel accepted that eventually Mr Trevelyan had shown remorse for his actions, they felt there was insufficient evidence that the insight Mr Trevelyan had shown extended to the impact his actions had had on the pupils affected.”

I have also placed considerable weight that Mr Trevelyan was responsible for a conviction of five counts of beating contrary to section 39 of the Criminal Justice Act 1988 and have noted the mitigating circumstances “the panel found that this was an isolated incident resulting from a grave lapse of judgment in an otherwise unblemished career. The panel noted that there was a breadth of evidence to support this, in particular the varied and voluminous character references which all supported that this was a one off incident which was completely out of character.”

However, I have also given weight to the seriousness of the offending behaviour that led to the conviction, and that it involved violent behaviour towards young children, which the panel found was relevant to Mr Trevelyan's ongoing suitability to teach.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Trevelyan 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, 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 a 2 year review period. I have considered the panel's comments "it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years. The panel hoped that within this period, Mr Trevelyan will develop insight into the impact his behaviour had on the pupils."

I agree with the panel that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Peter Trevelyan 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 31 May 2024, 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 Trevelyan remains prohibited from teaching indefinitely.

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

Mr Trevelyan has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Sarah Buxcey

Date: 3 May 2022

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