



Teaching  
Regulation  
Agency

# **Mr Richard Ashley: Professional conduct panel meeting outcome**

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

**March 2022**

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## Professional conduct panel decision and recommendations

<b>Teacher:</b>	Mr Richard Ashley
<b>Teacher ref number:</b>	9047791
<b>Teacher date of birth:</b>	26 January 1963
<b>TRA reference:</b>	15627
<b>Date of determination:</b>	1 March 2022
<b>Former employer:</b>	North Kesteven Academy, Lincolnshire

## Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 1 March 2022 by way of a virtual meeting, to consider the case of Mr Richard Ashley.

The panel members were Mr Rob Allan (lay panellist – in the chair), Ms Alison Feist (former teacher panellist) and Dr Steven Berryman (teacher panellist).

The legal adviser to the panel was Ms Josie Beal 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 Ashley that the allegations be considered without a hearing. Mr Ashley 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 LLP, Mr Ashley or Mr Ashley’s representative.

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 26 January 2022.

It was alleged that Mr Ashley was guilty of having been convicted of a relevant offence, in that on or around 11 August 2020 he was convicted of:

1. Taking an indecent Photograph or Pseudo-Photograph of a child between 24 June 2013 and 29 August 2016 contrary to the Protection of Children Act 1978 s.1 at Sheffield Crown Court on 25 July 2019 and he was sentenced at Sheffield Crown Court on 11 August 2020.
2. Making an indecent Photograph or Pseudo-Photograph of a child between 14 March 2008 and 7 September 2016 contrary to the Protection of Children Act 1978 s.1(a) at Sheffield Crown Court on 25 July 2019 and he was sentenced at Sheffield Crown Court on 11 August 2020.
3. Making an indecent Photograph or Pseudo-Photograph of a child between 14 March 2008 and 7 September 2016 contrary to the Protection of Children Act 1978 s.1(a) at Sheffield Crown Court on 25 July 2019 and he was sentenced at Sheffield Crown Court on 11 August 2020.
4. Making an indecent Photograph or Pseudo-Photograph of a child between 14 March 2008 and 7 September 2016 contrary to the Protection of Children Act 1978 s.1(a) at Sheffield Crown Court on 25 July 2019 and he was sentenced at Sheffield Crown Court on 11 August 2020.
5. Sexual activity with a boy under 13 – Offender 18 or over – No Penetration on 15 March 2008 contrary to the Sexual Offences Act 2003 s.9(a) at Sheffield Crown Court on 1 July 2020 and he was sentenced at Sheffield Crown Court on 11 August 2020.
6. Sexual activity with a boy under 13 – Offender 18 or over – No Penetration on 15 March 2008 contrary to the Sexual Offences Act 2003 s.9(a) at Sheffield Crown Court on 1 July 2020 and he was sentenced at Sheffield Crown Court on 11 August 2020.
7. Possessing an indecent Photograph or Pseudo-Photograph of a child on 14 September 2016 contrary to the Criminal Justice Act 1988 s.160 at Sheffield Crown Court on 1 July 2020 and he was sentenced at Sheffield Crown Court on 11 August 2020.
8. Possessing an indecent Photograph or Pseudo-Photograph of a child on 14 September 2016 contrary to the Criminal Justice Act 1988 s.160 at Sheffield

Crown Court on 1 July 2020 and he was sentenced at Sheffield Crown Court on 11 August 2020.

Mr Ashley admitted the facts of allegations 1 to 8 and that his behaviour amounted to a conviction of a relevant offence, as set out in the response to the notice of proceedings dated 9 April 2021, and in the statement of agreed facts signed by Mr Ashley on 24 September 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 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 23
- Section 4: Teaching Regulation Agency documents – pages 24 to 55

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 Ashley on 24 September 2021.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Ashley 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 Ashley was employed as a science teacher by North Kesteven Academy ('the school') from 1 September 2013.

On 14 September 2016, Mr Ashley was arrested on suspicion of possessing indecent images of children. Mr Ashley was further arrested, on 15 September 2016, on suspicion of sexual assault on a male.

Mr Ashley's employment at the school was terminated on 16 September 2016.

On 25 July 2019, Mr Ashley was convicted of 4 offences at Sheffield Crown Court, namely, the making and taking of indecent photographs/pseudo-photographs of a child.

On 1 July 2020, Mr Ashley was convicted at Sheffield Crown Court of a further 4 offences, namely, sexual activity with a boy under 13 – no penetration and possession of an indecent photograph/pseudo-photograph of a child.

Mr Ashley was sentenced at Sheffield Crown Court, on 11 August 2020 to 24 months' imprisonment, suspended for 24 months. He was also required to sign the sex offender register for a period of 10 years and a sexual harm prevention order was made for a period of 5 years.

## **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. Taking an indecent Photograph or Pseudo-Photograph of a child between 24 June 2013 and 29 August 2016 contrary to the Protection of Children Act 1978 s.1;**
- 2. Making an indecent Photograph or Pseudo-Photograph of a child between 14 March 2008 and 7 September 2016 contrary to the Protection of Children Act 1978 s.1(a);**
- 3. Making an indecent Photograph or Pseudo-Photograph of a child between 14 March 2008 and 7 September 2016 contrary to the Protection of Children Act 1978 s.1(a);**
- 4. Making an indecent Photograph or Pseudo-Photograph of a child between 14 March 2008 and 7 September 2016 contrary to the Protection of Children Act 1978 s.1(a);**
- 5. Sexual activity with a boy under 13 – Offender 18 or over – No Penetration on 15 March 2008 contrary to the Sexual Offences Act 2003 s.9(a);**
- 6. Sexual activity with a boy under 13 – Offender 18 or over – No Penetration on 15 March 2008 contrary to the Sexual Offences Act 2003 s.9(a);**
- 7. Possessing an indecent Photograph or Pseudo-Photograph of a child on 14 September 2016 contrary to the Criminal Justice Act 1988 s.160;**
- 8. Possessing an indecent Photograph or Pseudo-Photograph of a child on 14 September 2016 contrary to the Criminal Justice Act 1988 s.160;**

The panel considered the statement of agreed facts, signed by Mr Ashley on 24 September 2021. In the statement of agreed facts, Mr Ashley admitted to the facts of allegations 1 to 8. Further, Mr Ashley admitted and accepted that he had been convicted (at any time) of a relevant offence.

The panel was provided with a copy of the certificate of conviction from Sheffield Crown Court, which confirmed Mr Ashley's convictions in respect of the offences referred to at allegations 1 to 8. The panel was also provided with the Judge's Sentencing Remarks dated 11 August 2020 along with documents from the police, including the police report, which it carefully considered.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers February 2022 ("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 that establishes the relevant facts, unless exceptional circumstances apply. The panel did not consider

that there were any exceptional circumstances present. Therefore, on examination of the documents before the panel, the panel was satisfied that the facts of the allegations 1 to 8 were proved.

## **Findings as to a 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 Advice.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach 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 satisfied that the conduct of Mr Ashley was wholly contrary to the standards expected of the teaching profession, and it was of the view that Mr Ashley's conduct was at the more serious end of the spectrum.

The panel noted that the offences had taken place outside of the school setting. However, the panel concluded that Mr Ashley's actions were relevant to teaching, working with children and/or working in an education setting on the basis that Mr Ashley had been convicted of sexual activity with a child and taking, making and possessing indecent photographs/pseudo-photographs of children. The behaviour involved in committing the offences 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 Ashley'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 Ashley's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed. The Advice states that a conviction for any offence leading to a term of imprisonment, including any suspended sentence, is likely to be considered "a relevant offence".

The panel noted page 12 of the Advice, which states that a conviction for any offence which relates to, or involves, certain conduct will be considered a relevant offence. Having reviewed all the documents, including the police report, the panel considered that the proven offences related to or involved:

- sexual activity.
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one off incidents.

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

The panel found that Mr Ashley had been convicted of 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. The panel acknowledged that 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 them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and 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.

In the light of the panel's findings against Mr Ashley which involved sexual activity with a child and taking and possessing indecent photographs/pseudo-photographs of a child, there was a strong public interest consideration in respect of the protection of pupils.

The panel considered Mr Ashley's conduct to be very serious, noting that a large number of indecent images (7,767 in total) had been found on devices belonging to Mr Ashley. In addition to admitting to downloading and viewing indecent images of children, Mr Ashley also admitted to creating indecent images of children and/or filming children whilst camping on a nudist site in France. Furthermore, Mr Ashley was convicted of sexual activity with a child, namely touching and taking inappropriate pictures of that child whilst he was asleep and/or incapacitated.

The panel therefore considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ashley were not treated with the utmost seriousness when regulating the conduct of the profession. The panel assessed public confidence by reference to the standard of an ordinary intelligent and well-informed citizen, who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, as well as other issues involved in the case.

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 Ashley 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 Ashley.

In carrying out the balancing exercise, the panel had regard to the public interest considerations as well as the interests of Mr Ashley. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving pupils)
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

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 Ashley's actions were not deliberate. There was no evidence to suggest that Mr Ashley was acting under extreme duress, and, in fact, the panel found Mr Ashley's actions to be calculated and motivated.

There was no evidence that Mr Ashley had demonstrated exceptionally high standards in both personal and professional conduct and no evidence that he had contributed significantly to the education sector.

The panel was not provided with any specific mitigation evidence, nor was it provided with a mitigation statement from Mr Ashley or any character references. However, the panel took into account the sentencing remarks included within the bundle. In the sentencing remarks, the Judge stated that, [REDACTED].

Save for the sentencing remarks referred to above, the panel was not provided with any evidence in respect of Mr Ashley's insight or remorse in respect of his conduct.

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, notwithstanding the mitigation it considered in the Judge's sentencing remarks. 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 Ashley 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 Ashley. The seriousness of Mr Ashley's conduct and his convictions (in particular sexual activity with a child and the volume of indecent images found on devices belonging to Mr Ashley) 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 2 years.

The Advice indicates that where a case involves certain conduct, it is likely the public interest will have greater relevance and weigh in the favour of not offering a review period. The panel found the following conduct referred to in the Advice present in this case:

- serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons
- any sexual misconduct involving a child
- and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

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 Richard Ashley should be the subject of a prohibition order, with no provision for a review period.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach 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.

In addition the panel, "was satisfied that the conduct of Mr Ashley was wholly contrary to the standards expected of the teaching profession, and it was of the view that Mr Ashley's conduct was at the more serious end of the spectrum."

The findings of misconduct are particularly serious as they include a finding of relevant convictions for sexual activity with children and the making and possession of indecent images of children.

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 Ashley, 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/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Ashley which involved sexual activity with a child and taking and possessing indecent photographs/pseudo-photographs of a child, 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, "The panel was not provided with any specific mitigation evidence, nor was it provided with a mitigation statement from Mr Ashley or any character references. However, the panel took into account the sentencing remarks included within the bundle." In my judgement, the lack of evidence of full insight or remorse 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 therefore considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ashley were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual misconduct 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 do not consider that it does.

I have also considered the impact of a prohibition order on Mr Ashley himself. The panel comment, "There was no evidence that Mr Ashley had demonstrated exceptionally high standards in both personal and professional conduct and no evidence that he had contributed significantly to the education sector."

A prohibition order would prevent Mr Ashley 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 decided that the public interest considerations outweighed the interests of Mr Ashley. The seriousness of Mr Ashley's conduct and his convictions (in particular sexual activity with a child and the volume of indecent images found on devices belonging to Mr Ashley) was a significant factor in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ashley 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 Advice indicates that where a case involves certain conduct, it is likely the public interest will have greater relevance and weigh in the favour of not offering a review period. The panel found the following conduct referred to in the Advice present in this case:

- serious sexual misconduct, such as where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons
- any sexual misconduct involving a child
- and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

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 allowing for no review reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the

profession. In this case, the nature of the misconduct and the lack of real insight or remorse mean that a no review is necessary, proportionate and in the public interest.

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 Richard Ashley 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 Richard Ashley 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 Richard Ashley 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 checkmark at the end.

**Decision maker: Alan Meyrick**

**Date: 2 March 2022**

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