



Teaching  
Regulation  
Agency

# **Mr Andrew Crozier: Professional conduct panel meeting outcome**

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

**October 2021**

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

**Teacher:** Mr Andrew Crozier

**Teacher ref number:** 1539844

**Teacher date of birth:** 17 December 1992

**TRA reference:** 19060

**Date of determination:** 18 October 2021

**Former employer:** [REDACTED]

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 18 October 2021, to consider the case of Mr Andrew Crozier.

The panel members were Mr Clive Ruddle (lay panellist – in the chair), Mr John Martin (teacher panellist) and Mrs Maxine Cole (lay panellist).

The legal adviser to the panel was Miss Claire Watson of Eversheds Sutherland (International) 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 Andrew Crozier that the allegation be considered without a hearing. Mr Crozier 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 David Collins, Mr Andrew Crozier, or his representative Mr Aidan Carr.

The meeting took place in private.

## Allegations

The panel considered the allegation set out in the notice of meeting dated 28 September 2021.

It was alleged that Mr Andrew Crozier was guilty of having been convicted of a relevant offence, in that:

1. On or around 22 January 2020 he was convicted of engaging in sexual communications with a child, contrary to the Sexual Offences Act 2003, s.15A(1)

Mr Crozier admitted the facts of the allegation and conviction of a relevant offence.

## Preliminary applications

The teacher's representative has applied for the Secretary of State's decision to not be published in the public domain. The panel noted that, in announcing its decision in public, it would usurp the decision to be made in due course by the Secretary of State. The panel considered whether to announce its decision in public.

The panel had sight of written representations from the presenting officer and the teacher's representative as to the teacher's application regarding the publication of the decision by the Secretary of State. These documents had not been served in accordance with the requirements of paragraph 4.20 of Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the 2018 Procedures") and as such the panel was required to decide whether to admit those documents under paragraph 4.25 of the Procedures at the discretion of the panel.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. The panel was satisfied that the documents are relevant to the case. The documents related to the teacher's application for the decision to be announced in private. The panel noted the matters raised related to [REDACTED] and that [REDACTED] and expanded on the representations already included within the bundle. The panel decided to admit the documents.

Both the presenting officer and the teacher's representative were in agreement that it was not a requirement for the panel to announce its decision in public, but rather was generally done as a matter of policy and to be transparent. The presenting officer and teacher's representative invited the panel to proceed with the meeting as listed and for the decision to be announced in private. The panel took into account the written representations and noted that it was not required under the Procedures to announce its decision at a professional conduct panel meeting in public.

The panel noted [REDACTED] and decided to announce its decision in private. The panel noted that the Secretary of State would make a decision in respect of the teacher's application regarding the publication of the decision in due course.

## Summary of evidence

### Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 6

Section 2: Notice of referral, response and notice of meeting – pages 7 to 14

Section 3: Statement of agreed facts and presenting officer representations – pages 15 to 42

Section 4: Teaching Regulation Agency documents – pages 43 to 147

Section 5: Teacher documents – pages 148 to 160

The panel also decided to admit the following documents:

- Written representations from the presenting officer, in relation to the panel announcing its decision in public – page 161
- Written representations from the teacher's representative, in relation to the panel announcing its decision in public – page 162
- Statement from Mr Andrew Crozier – page 163

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

### Statement of agreed facts

The panel considered a statement of agreed facts which was signed on behalf of Mr Andrew Crozier on 1 December 2020.

### 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 Andrew Crozier 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 Crozier had been employed at [REDACTED] (“the School”) as Inclusion Manager [REDACTED]. He had previously worked at the School as a cover supervisor. [REDACTED], Pupil A’s mother was informed by Pupil A that she had a crush on Mr Crozier and was deliberately getting herself into trouble so that she could be placed into isolation to see Mr Crozier. Pupil A had contacted Mr Crozier by email, and he had asked for the conversation to be moved to Snapchat. Mr Crozier subsequently blocked Pupil A on Snapchat. The School was informed by Pupil A’s mother of Pupil A’s crush on Mr Crozier and safeguarding measures were put in place. [REDACTED], Mr Crozier unblocked Pupil A on Snapchat and messages of a sexual nature were exchanged. Pupil A had taken photographs of these messages. Pupil A’s mother obtained access to these photographs and informed the School and police. Mr Crozier accepted sending the messages.

## **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:

**You have been convicted of a relevant offence at any time in that:**

- 1. On or around 22 January 2020 you were convicted of engaging in sexual communications with a child, contrary to the Sexual Offences Act 2003, s.15A(1)**

The panel noted the Certified Copy of the Memorandum of an Entry entered into the Register of the North Northumbria Magistrates’ Court which confirmed that the teacher had been convicted of the offence.

Mr Crozier admitted the allegation.

The panel found this allegation to be proven.

## **Findings as to conviction of a relevant offence**

The panel was satisfied that the conduct of Mr Crozier in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Crozier 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 proper and professional regard for the ethos, policies and practices of the school in which they teach.
- 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 individual's actions in committing the offence were relevant to working in an education setting. The behaviour involved in committing the offence could have had an impact on the safety and security of pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that the teacher'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 Crozier's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offence committed.

This was a case involving an offence of sexual activity, the Teacher Misconduct: The Prohibition of Teachers, referred to as 'the Advice'. states is likely to be considered a relevant offence. Mr Crozier had exchanged messages of a sexual nature with Pupil A.

The panel took into account the written references, produced at the time that Mr Crozier was applying for jobs at the School, attesting to Mr Crozier's previous good record as a teacher. [REDACTED].

Although the panel found that the evidence of Mr Crozier's teaching proficiency to not be in question, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Crozier's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence 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 protection of pupils, 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 Crozier, which involved a conviction of an offence, there was a strong public interest consideration in respect of the protection of pupils given the inappropriate communication with a pupil.

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

The panel noted that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator.

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 Crozier.

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 Crozier. 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;
- misconduct seriously affecting the education and/or well-being of pupils;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;



- sexual misconduct, for example, 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;
- 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.

There was evidence that Mr Crozier's actions were deliberate. In the messages to Pupil A, Mr Crozier had recognised that his actions were against the law.

The panel was not presented with any evidence to suggest that Mr Crozier was acting under duress.

Mr Crozier did have a previously good history.

The panel saw no evidence that Mr Crozier was previously subject to disciplinary proceedings/warnings.

The panel noted that no mitigation had been submitted by Mr Crozier to attest to his ability as a teacher. The panel had sight of references from previous employers, written as part of a recruitment process, as well as Mr Crozier's final assessment form for his induction period as a newly qualified teacher. These documents described Mr Crozier as having *'the ability to build strong relationships with the students and their families'* and a *'hardworking, self-reflective and ... enthusiastic teacher'*. One reference form noted that Mr Crozier *'will need to work to ensure these relationships [with students and families] remain productive and that students have appropriate boundaries within these settings'*.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition.

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. The panel acknowledged that the Secretary of State was to make a decision in due course as to the publication of the findings. Notwithstanding this, the panel was of the view that 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 Crozier 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

Crozier. The sexual nature of Mr Crozier's communication with Pupil A 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 there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes 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. The panel found that Mr Crozier was responsible for sending inappropriate communications to Pupil A which were of a sexual nature.

The panel had sight of a letter from Mr Crozier's probation officer, which stated that Mr Crozier had completed offence focused work to reduce his risk of reoffending and had 'developed considerable insight into his offending behaviour and has robust risk management strategies in place'. He was described as 'posing a low risk of reconviction'.

Notwithstanding this, the panel considered that the actions of Mr Crozier had harmed Pupil A, as described in a witness statement to the police by Pupil A's mother, which detailed the impact Mr Crozier's actions had on Pupil A's wellbeing and relationships with family. The panel also considered this to be a serious criminal offence, in that Mr Crozier had been convicted of intentionally communicating with a person under the age of 16 years old for the purpose of obtaining sexual gratification.

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 the allegation proven and found that the proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Crozier 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 proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a finding of a relevant conviction of engaging in sexual offences with a child contrary to the Sexual Offences Act 2003 s.15A(1).

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 Crozier, 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, "Mr Crozier had been convicted of intentionally communicating with a person under the age of 16 years old for the purpose of obtaining sexual gratification."

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 had sight of a letter from Mr Crozier's probation officer, which stated that Mr Crozier had completed offence focused work to reduce his risk of reoffending and had 'developed considerable insight into his offending behaviour and has robust risk management strategies in place'. He was described as 'posing a low risk of reconviction'." The panel also say, "Notwithstanding this, the panel considered that the actions of Mr Crozier had harmed Pupil A, as described in a witness statement to the police by Pupil A's mother, which detailed the impact Mr Crozier's actions had on Pupil A's wellbeing and relationships with family. The panel also considered this to be a serious criminal offence, in that Mr Crozier had been convicted of intentionally communicating with a person under the age of 16 years old for the purpose of obtaining sexual gratification."

In my judgement, although Mr Crozier has evidenced some insight the serious nature of the conviction and the impact of the behaviour on the pupil and the pupil's well-being and relationships with family outweighs that. I have therefore given this element considerable weight in reaching my overall decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it, "also took account of the way the teaching profession is viewed by others. The panel considered that the teacher'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."

I am particularly mindful of the finding of sexual misconduct in this case and the panel's comment, "that Mr Crozier's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offence committed."

This was a case involving an offence of sexual activity which the Advice states is likely to be considered a relevant offence. Mr Crozier had exchanged messages of a sexual nature with Pupil A."

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 Crozier himself. The panel say that it, “had sight of references from previous employers, written as part of a recruitment process, as well as Mr Crozier’s final assessment form for his induction period as a newly qualified teacher.”

A prohibition order would prevent Mr Crozier 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 Crozier had harmed Pupil A, as described in a witness statement to the police by Pupil A’s mother, which detailed the impact Mr Crozier’s actions had on Pupil A’s wellbeing and relationships with family. The panel also considered this to be a serious criminal offence, in that Mr Crozier had been convicted of intentionally communicating with a person under the age of 16 years old for the purpose of obtaining sexual gratification. “

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Crozier 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 that no provision should be made for a review period.

I have considered the panel’s comments “the panel considered that the actions of Mr Crozier had harmed Pupil A, as described in a witness statement to the police by Pupil A’s mother, which detailed the impact Mr Crozier’s actions had on Pupil A’s wellbeing and relationships with family. The panel also considered this to be a serious criminal offence, in that Mr Crozier had been convicted of intentionally communicating with a person under the age of 16 years old for the purpose of obtaining sexual gratification.”

I have considered whether allowing for no review in this case, even in the light of the comments from the probation officer concerning risk of future re-offending, reflects the seriousness of the findings and is necessary and proportionate. In this case, the seriousness of the misconduct, “Mr Crozier’s behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offence committed”, and the harm caused to Pupil A and the family of Pupil A are factors which mean that allowing for a no review is necessary to maintain public confidence in the profession and is proportionate and in the public interest.

**This means that Mr Andrew Crozier 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 allegation found proved against him, I have decided that Mr Andrew Crozier 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 Crozier 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', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 22 October 2021**

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