



Teaching
Regulation
Agency

Mr Paul Strange: Professional conduct panel outcome

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

October 2022

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

Teacher:	Mr Paul Strange
Teacher ref number:	0346198
Teacher date of birth:	7 July 1960
TRA reference:	19298
Date of determination:	18 October 2022
Former employer:	Landau Forte Academy QEMS, Tamworth (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 18 October 2022, remotely via MS Teams, to consider the case of Mr Paul Strange.

The panel members were Mr Martin Coles (former teacher panellist – in the chair), Ms Penny Griffith (lay panellist), and Mr Clive Sentance (teacher panellist).

The legal adviser to the panel was Mr Phil Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

Mr Strange was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 3 August 2022.

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

1. On or around 27 April 2021, he was convicted of two counts of making an indecent photograph/pseudo-photograph of a child/children contrary to section 1(a) of the Protection of Children Act 1978.
2. On or around 27 April 2021, he was convicted of one count of possessing prohibited images of a child/children contrary to section 62(1) Coroners and Justice Act 2009.
3. On or around 27 April 2021, he was convicted of one count of possession of extreme pornographic images of intercourse/oral sex with a dead/alive animal contrary to section 63(1)(7)(d) of the Criminal Justice and Immigration Act 2008.

The teacher did not respond to the allegations.

Preliminary applications

The panel considered an application from the TRA to proceed in the absence of the teacher. The panel heard written and oral submissions from the presenting officer and took advice from the legal adviser.

The panel considered whether the hearing should continue in the absence of the teacher. The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations"). The panel was also satisfied that the notice of hearing complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures"), including that more than 10 weeks written notice of the hearing had been given.

The panel took as its starting point the principle from the case of *R v Jones* [2003] 1 AC1 that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional was of prime importance but that it also encompassed the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in the case of *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1.

In this case, the evidence before the panel showed that the TRA had made extensive efforts to contact the teacher, even going to such lengths as to instruct a third party to verify the teacher's address. The panel was satisfied that the teacher was aware of the proceedings but had failed to respond or engage in any way. The panel considered that the teacher had deliberately absented himself from the hearing and had thereby waived his right to be present at the hearing, in the knowledge of when and where the hearing was taking place.

The panel did not consider, given the circumstances, that an adjournment might result in the teacher attending voluntarily.

The panel took into account that there was no legal representative present for the teacher, and also took into account the extent of any disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had not identified any significant gaps in the documentary evidence provided to it. Should such gaps arise during the course of the hearing, the panel would be able to consider whether the hearing should be adjourned for such documents to become available and to consider whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel recognised that the allegations against the teacher were serious and that there was a real risk that, if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession.

The panel noted that there were no witnesses to be called, and therefore the effect of delay on the memories of witnesses was not a factor to be taken into consideration in this case.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that, in light of the teacher's waiver of his right to appear, the seriousness of the allegations, and taking account of the inconvenience an adjournment would cause, it was in the public interest for the hearing to proceed.

The panel therefore determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 1 and 2

Section 2: Notice of hearing – pages 3 to 9

Section 3: Teaching Regulation Agency documents – pages 10 to 66

In addition, in advance of the hearing, the panel received the following further documents:

- Skeleton submissions on behalf of the TRA (6 pages)
- Service bundle (26 pages)

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel was provided with.

Witnesses

The panel did not hear any oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Strange commenced employment as a Tutor of Engineering at the School on 1 October 2019. He was employed by Landau Forte Charitable Trust (the “Trust”).

On 17 April 2020, the Trust received notification via its electronic monitoring system that Mr Strange had apparently viewed pornographic material on the Trust’s laptop. A safeguarding report was made by the Trust.

On 23 April 2020, Mr Strange was arrested at his home by Nottinghamshire Police. On the same day he was suspended from the Trust pending disciplinary investigation, on the basis of alleged gross misconduct.

On 27 April 2021, a plea and trial preparation hearing was held at Nottingham Crown Court. At the hearing, Mr Strange pleaded guilty to and was convicted of 2 counts of making an indecent photograph/pseudo-photograph of a child/children, one count of possession of prohibited images of children, and one count of possession of extreme pornographic images.

He was sentenced at Nottingham Crown Court on 7 July 2021.

Findings of fact

The findings of fact are as follows:

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

You are guilty of having been convicted of a relevant offence, in that you:

- 1. On or around 27 April 2021, were convicted of two counts of making an indecent photograph/pseudo-photograph of a child/children contrary to section 1(a) of the Protection of Children Act 1978.**
- 2. On or around 27 April 2021, were convicted of one count of possessing prohibited images of a child/children contrary to section 62(1) Coroners and Justice Act 2009.**
- 3. On or around 27 April 2021, were convicted of one count of possession of extreme pornographic images of intercourse/oral sex with a dead/alive animal contrary to section 63(1)(7)(d) of the Criminal Justice and Immigration Act 2008.**

In each case, the panel considered that the allegations were supported by the evidence presented to it, in particular a Police National Computer print produced on 14 September 2021 noting the convictions; and a certificate of conviction dated 13 April 2022 recording convictions at Nottingham Crown Court on 27 April 2021 and sentencing on 7 July 2021, which the panel accepted as proof of the commission of the offences concerned.

There was no evidence put before the panel which suggested that they were not convictions as alleged. The allegations were therefore found proved.

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 conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers (the "Advice").

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by ...
 - 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 individual's actions were relevant to teaching, working with children and working in an education setting due to the nature of the convictions.

Similarly, the panel also noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils, given the nature and type of the images Mr Strange was found guilty of possessing.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Strange's behaviour in committing the offence 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 the comment made by the sentencing judge at Nottingham Crown Court that, "Any right-thinking person would be appalled by anybody who views images like that. That is particularly the case for the indecent images of children."

The panel noted that Mr Strange's behaviour did not lead to a sentence of imprisonment. However, this was a case involving offences of "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". The Advice indicates at paragraph 34 that a conviction that relates to or involves such offences is likely to be considered "a relevant offence".

There was very limited evidence in the hearing bundle of any mitigating circumstances, including in relation to Mr Strange's record as a teacher. The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Strange's fitness to be a teacher. 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Strange and whether a prohibition order is necessary and proportionate. The panel was aware 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 at page 14 of the Advice and having done so, found all of them to be relevant in this case, namely the safeguarding and wellbeing of pupils and 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 Strange, which involved convictions for 2 counts of making an indecent photograph/pseudo-photograph of a child/children, one count of possession of prohibited images of children, and one count of possession of extreme pornographic images, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Strange 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 Strange was well 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 Strange.

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 Strange.

Whilst there was some limited evidence that Mr Strange had abilities as an educator, the panel considered that the adverse public interest considerations outweighed any interest in retaining Mr Strange in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

- The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were: serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence; 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, 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.

The panel saw no evidence that Mr Strange was previously subject to disciplinary proceedings or warnings or had any previous convictions. However, there was no evidence put before the panel that Mr Strange's actions were anything other than deliberate. Given his age and length of experience as a teacher, the panel considered that Mr Strange would have received extensive safeguarding training and should therefore have understood the expectations and standards of behaviour to which he was subject. There was also no evidence to suggest that Mr Strange was acting under duress.

The panel 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 the case, despite the potential severity of the consequences of prohibition for Mr Strange.

The panel was of the view that the public interest considerations outweighed the interests of Mr Strange and, therefore, that prohibition was both proportionate and appropriate given the seriousness and nature of his convictions, involving highly offensive and indecent images of children. 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 at paragraph 50 that where a case involves certain behaviours, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These behaviours include “any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child.” The panel found that Mr Strange was responsible for such activities, as found proven at the first stage of its deliberations.

The panel took into account that the teacher was absent from the proceedings and was not represented. The panel examined the evidence before it very carefully and ensured that it took into account any points which may be favourable to the teacher. However, the panel was able to find only very limited evidence of the teacher showing insight or remorse in relation to his actions, beyond some references in the transcript of the hearing at Nottingham Crown Court. Although the teacher had pleaded guilty at an early stage of criminal court proceedings, he had not engaged with the TRA’s process and had not offered any additional mitigation evidence to the panel.

The panel consequently 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 a relevant conviction.

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

In particular, the panel has found that Mr Strange 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 ...
 - 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 findings of misconduct are particularly serious as they include a finding of making an indecent photograph/pseudo-photograph of a 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 Strange, 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 also noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils, given the nature and type of the images Mr Strange was found guilty of possessing." 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, "However, the panel was able to find only very limited evidence of the teacher showing insight or remorse in relation to his actions, beyond some references in the transcript of the hearing at Nottingham Crown Court. Although the teacher had pleaded guilty at an early stage of criminal court proceedings, he had not engaged with the TRA's process and had not offered any additional mitigation evidence to the panel." In my judgement, the lack 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 that it, "considered that Mr Strange's behaviour in committing the offence 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 the comment made by the sentencing judge at

Nottingham Crown Court that, “Any right-thinking person would be appalled by anybody who views images like that. That is particularly the case for the indecent images of children.”

I am particularly mindful of the finding of possessing prohibited images of children 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 Strange himself. The panel comment “The panel saw no evidence that Mr Strange was previously subject to disciplinary proceedings or warnings or had any previous convictions. However, there was no evidence put before the panel that Mr Strange’s actions were anything other than deliberate. Given his age and length of experience as a teacher, the panel considered that Mr Strange would have received extensive safeguarding training and should therefore have understood the expectations and standards of behaviour to which he was subject.”

A prohibition order would prevent Mr Strange 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, “given the seriousness and nature of his convictions, involving highly offensive and indecent images of children.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Strange 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 "his behaviour fundamentally breached the standard of conduct expected of a teacher."

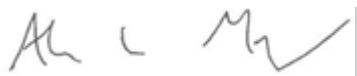
I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that not allowing a review period is necessary are the serious nature of the convictions and the lack of full insight and 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 Strange 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 Strange 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 Strange has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 19 October 2022

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