



Teaching  
Regulation  
Agency

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

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

**November 2022**

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

<b>Teacher:</b>	Mr Andrew Beesley
<b>Teacher ref number:</b>	0262773
<b>Teacher date of birth:</b>	9 June 1981
<b>TRA reference:</b>	19290
<b>Date of determination:</b>	16 November 2022
<b>Former employer:</b>	Crosslee Primary School, Manchester

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 16 November 2022 by way of a virtual meeting, to consider the case of Mr Andrew Beesley.

The panel members were Mrs Valerie Purnell-Simpson (lay panellist – in the chair), Ms Jackie Hutchings (teacher panellist) and Mr Maurice McBride (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Beesley that the allegations be considered without a hearing. Mr Beesley 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 Beesley or any representative for Mr Beesley.

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 1 November 2022.

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

1. On 17 July 2019, he was convicted of three counts of sexual assault on a girl 13/14/15 woman 16 or over – no penetration, contrary to section 3 of the Sexual Offences Act 2003.

Mr Beesley admitted the facts of allegation 1, and that his behaviour amounted to a conviction of a relevant offence, as set out in the statement of agreed facts signed by Mr Beesley on 8 February 2022.

## **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, anonymised pupil list and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 18
- Section 3: Statement of agreed facts and presenting officer representations – pages 19 to 22

- Section 4: TRA documents – pages 23 to 125

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 Beesley on 8 February 2022.

## **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 Beesley 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 Beesley commenced employment at Crosslee Primary School ('the School') as a teacher on 1 September 2003.

On 11 April 2018, an incident took place where Mr Beesley was accused of sexual assault by a colleague. On 13 April 2018, Mr Beesley was arrested, cautioned and interviewed in relation to this incident. During the police interview, Mr Beesley denied the incident and stated that his colleague lied and had made up the allegations.

On 17 July 2019, Mr Beesley was convicted of three counts of sexual assault on a girl 13/14/15/ woman 16 or over – no penetration, contrary to section 3 of the Sexual Offences Act 2003 at Manchester Crown Court.

Mr Beesley was sentenced on 2 September 2019, at Manchester Crown Court, to 12 months imprisonment to run concurrently on each offence. Further, Mr Beesley was made subject to an indefinite Restraining Order, a Sex Offenders Certificate for life and ordered to pay £140 Victims Surcharge.

Mr Beesley's employment at the School ended on 19 December 2019.

## **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 17 July 2019, you were convicted of three counts of sexual assault on a girl 13/14/15 woman 16 or over – no penetration, contrary to section 3 of the Sexual Offences Act 2003.**

The panel considered the statement of agreed facts, signed by Mr Beesley on 8 February 2022. In that statement of agreed facts, Mr Beesley admitted the particulars of the allegation. Further, it was admitted the facts of the allegation amounted to a conviction of a relevant offence.

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

The panel had been provided with a copy of the certificate of conviction from Manchester Crown Court, which detailed that Mr Beesley had been convicted of three counts of sexual assault on a girl 13/14/15/ woman 16 or over – no penetration.

In respect of the allegation, Mr Beesley was sentenced at Manchester Crown Court on 2 September 2019 to 12 month's imprisonment on each offence to run concurrently. In addition, he was made subject to a Sex Offenders Certificate for life, a Restraining Order for an indefinite period and was required to pay a victim surcharge of £140. It was documented that Mr Beesley may also be placed on the Barring List by the Disclosure and Barring Service.

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

The panel considered Mr Beesley's conduct to be extremely serious and completely incompatible with the standards and behaviour expected of any member of the public, let alone a teacher who is placed in a position of trust.

The panel concluded that the conduct of Mr Beesley was aggravated by the facts that the incidents took place on school premises and the victim in the case was a teacher at the School. Further, the panel considered the age and seniority difference between Mr Beesley and the teacher of significance and increased the level of breach of trust in this case. The panel noted that Mr Beesley was a senior member of the School's staff, with a leadership role, whereas the teacher, who was the victim of the incidents, was relatively inexperienced.

Having considered all the facts of the case, the panel considered that Mr Beesley's actions and convictions were relevant to his profession as a teacher and him working in an education setting.

The panel noted that 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 Beesley's behaviour in committing the offences 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 Beesley's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.

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

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

Accordingly, the panel was satisfied that Mr Beesley's conviction amount to a conviction, at any time, 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. 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, teachers 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 the light of the panel's findings against Mr Beesley, which involved being convicted of three counts of sexual assault on a girl 13/14/15/ woman 16 or over – no penetration, there was a strong public interest consideration in respect of teachers, other members of school staff, members of the public and 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 Beesley 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 Beesley 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 Beesley.

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 Beesley. 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;
- abuse of position or trust;
- 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;
- serious bullying, or other deliberate behaviour, that undermines the profession, the school or colleagues.

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

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

The panel considered that Mr Beesley's actions were deliberate. There was no evidence presented to suggest that Mr Beesley was acting under extreme duress.

No evidence was submitted, despite Mr Beesley being employed as a teacher at the School for 16 years, to attest to his previous history or ability as a teacher. Nor was any evidence submitted to demonstrate that Mr Beesley had achieved exceptionally high standards in both his personal and professional conduct or had contributed significantly to the education sector.

The panel noted that Mr Beesley had not fully admitted his conduct and had been convicted at trial. On the documents before them, the panel did not find any evidence that Mr Beesley had insight into his behaviour or exhibited any remorse. The panel noted [REDACTED] which stated [REDACTED] and [REDACTED].

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Beesley 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 Beesley. The seriousness of the convictions, involving sexual assault, and the lack of insight and remorse for his actions 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The behaviour the panel found relevant to Mr Beesley was serious sexual misconduct.

The panel was in no doubt that Mr Beesley's misconduct was of the most serious kind and wholly incompatible with being a teacher. This was supported by Mr Beesley receiving a prison sentence and being made subject to a Restraining Order for an indefinite period and a Sex Offenders Certificate for life.

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

In particular, the panel has found that Mr Beesley 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:
  - 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also states that it, “considered Mr Beesley’s conduct to be extremely serious and completely incompatible with the standards and behaviour expected of any member of the public, let alone a teacher who is placed in a position of trust.”

The findings of misconduct are particularly serious as they include a finding of sexual assault.

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 Beesley, 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 noted that 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.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel noted that Mr Beesley had not fully admitted his conduct and had been convicted at trial. On the documents before them, the panel did not find any evidence that Mr Beesley had insight into his behaviour or exhibited any remorse. The panel noted [REDACTED] which stated [REDACTED] and [REDACTED]

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils and others. 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 also took account of the way the teaching profession is viewed by others. The panel considered that Mr Beesley’s behaviour in committing the offences 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 Beesley’s behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed.”

I am particularly mindful of the finding of sexual assault 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 Beesley himself. The panel comment “No evidence was submitted, despite Mr Beesley being employed as a teacher at the School for 16 years, to attest to his previous history or ability as a teacher. Nor was any evidence submitted to demonstrate that Mr Beesley had achieved exceptionally high standards in both his personal and professional conduct or had contributed significantly to the education sector.”

A prohibition order would prevent Mr Beesley 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, “In the light of the panel’s findings against Mr Beesley, which involved being convicted of three counts of sexual assault on a girl 13/14/15/ woman 16 or over – no penetration, there was a strong public interest consideration in respect of teachers, other members of school staff, members of the public and the protection of pupils.”

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

I have considered the panel's comments, "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The behaviour the panel found relevant to Mr Beesley was serious sexual misconduct."

The panel was, "in no doubt that Mr Beesley's misconduct was of the most serious kind and wholly incompatible with being a teacher. This was supported by Mr Beesley receiving a prison sentence and being made subject to a Restraining Order for an indefinite period and a Sex Offenders Certificate for life."

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 provision for a review period."

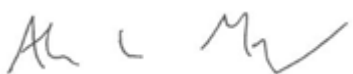
I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that allowing for no review is necessary are the nature of the relevant conviction and the lack of insight or remorse.

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

**This means that Mr Andrew Beesley 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 Beesley 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 Beesley 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.

A handwritten signature in blue ink, appearing to be 'AL C M' followed by a checkmark-like flourish.

**Decision maker: Alan Meyrick**

**Date: 16 November 2022**

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