



Teaching  
Regulation  
Agency

# **Mr James Alex Wallace: Professional conduct panel meeting outcome**

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

**March 2023**

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

<b>Teacher:</b>	Mr James Alex Wallace
<b>Teacher ref number:</b>	1082071
<b>Teacher date of birth:</b>	10 December 1984
<b>TRA reference:</b>	20368
<b>Date of determination:</b>	6 March 2023
<b>Former employer:</b>	Overdale Junior School ("the School")

### Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened virtually via Microsoft Teams on 6 March 2023 to consider the case of Mr Wallace.

The panel members were Mr Clive Ruddle (lay panellist – in the chair), Mrs Gerida Montague (teacher panellist) and Ms Susan Ridge (lay panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan 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 Wallace that the allegations be considered without a hearing. Mr Wallace 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 or Mr Wallace.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 24 January 2023.

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

1. On 10 November 2021 he was convicted of:
  - a) Drunk and disorderly behaviour on 14 July 2021, at Leicester in a public place, namely Leicester City Centre, contrary to Section 9(1) of the Criminal Justice Act 1967.
  - b) Using threatening, abusive or insulting words or behaviour or disorderly behaviour on 14 July 2021, thereby causing the police officer or another harassment, alarm or distress, contrary to Section 4A(1) and (5) of the Public Order Act 1986.
  - c) Using threatening, abusive or insulting words or behaviour or disorderly behaviour on 14 July 2021, thereby causing the police officer or another harassment, alarm or distress, contrary to Section 4A(1) and (5) of the Public Order Act 1986.
2. On 2 March 2022, he was convicted of displaying some writing, sign or other visible representation which was threatening, abusive or insulting on 14 July 2021, thereby causing another person harassment, alarm or distress, contrary to section 31(1)(b) and (4) of the Crime and Disorder Act 1998 and the offence was racially aggravated within the terms of section 28 of the Crime and Disorder Act 1998

Mr Wallace admitted the facts alleged.

He also admitted that he had been convicted of a relevant offence, but his admission did not specify which of his convictions was a relevant offence.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 1 to 3

Section 2: Notice of referral, response, and notice of meeting – pages 4 to 11

Section 3: Statement of agreed facts and presenting officer representations – pages 12 to 18

Section 4: Teaching Regulation Agency documents – pages 19 to 65

Section 5: Teacher documents – pages 66 to 70

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 Wallace on an unknown date, and by the presenting officer on 5 December 2022.

### **Decision and reasons**

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Wallace 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 Wallace was employed as a class teacher at the School. On 14 July 2021 he was arrested following an incident which started in St Martins Square, Leicester. At about 2.30pm, a police officer on foot patrol in the city observed that Mr Wallace appeared to be drunk. Mr Wallace was causing distress to members of the public by bumping into people and swearing at them. He also unzipped his trousers and attempted to urinate. The police officer shouted at him to stop, and Mr Wallace responded with abuse. He called the officer a "cunt" and shouted "fuck off you paki, you are just a paki".

The officer called for assistance from other officers with the intention of taking Mr Wallace home to sober up. Two further officers arrived in a police vehicle. As they drove Mr Wallace home, he was abusive towards them. He referred to the first officer as a bandajiya, a Hindi word which was described in the evidence before the panel as meaning "monkey" or "cheeky monkey". He also referred to the second officer as a "Babylon", and the third as a "batty boy", a homophobic term.

Mr Wallace was arrested and interviewed. He admitted he had been drinking, but denied being drunk. He also denied calling the first officer a "paki". He admitted using the terms "Babylon" and "batty boy", but said he did not realise "batty boy" carried any homophobic connotation. He accepted that on reflection, his behaviour had been unacceptable.

Mr Wallace was charged with four offences. He pleaded guilty to the first three (set out at 1a, b and c of the allegation) on 10 November 2021. He pleaded not guilty to the offence set out at 2 of the allegation, but was convicted following a trial on 2 March 2022. He was sentenced to a community order with an unpaid work requirement and ordered to pay compensation, a victim surcharge, and costs.

Mr Wallace resigned from his post at the School on 11 October 2021. He engaged in the School's investigation and on 2 November 2021 he provided his account during an investigatory interview. He explained the context to his offending. It happened the day before his wedding, which was taking place over several days and involved hundreds of guests. He had also suffered a recent [REDACTED] and a [REDACTED]. As a result, he was feeling [REDACTED]. He accepted that his behaviour was poor, and said that it was out of character.

## **Findings of fact**

The findings of fact are as follows:

- 1. On 10 November 2021 you were convicted of:**
  - a) Drunk and disorderly behaviour on 14 July 2021, at Leicester in a public place, namely Leicester City Centre, contrary to Section 9(1) of the Criminal Justice Act 1967.**
  - b) Using threatening, abusive or insulting words or behaviour or disorderly behaviour on 14 July 2021, thereby causing the police officer or another harassment, alarm or distress, contrary to Section 4A(1) and (5) of the Public Order Act 1986.**
  - c) Using threatening, abusive or insulting words or behaviour or disorderly behaviour on 14 July 2021, thereby causing the police officer or another harassment, alarm or distress, contrary to Section 4A(1) and (5) of the Public Order Act 1986.**
- 2. On 2 March 2022, you were convicted of displaying some writing, sign or other visible representation which was threatening, abusive or insulting on 14 July 2021, thereby causing another person harassment, alarm or distress, contrary to section 31(1)(b) and (4) of the Crime and Disorder Act 1998 and the offence was racially aggravated within the terms of section 28 of the Crime and Disorder Act 1998.**

The allegations were admitted and were supported by the evidence before the panel, in particular, the memorandum of conviction dated 27 September 2022. Accordingly, the panel found all of the facts 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 convictions for a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Wallace in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Wallace 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
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

The panel noted that Mr Wallace's actions did not take place while he was teaching, working with children and/or working in an education setting. They took place wholly outside the workplace when Mr Wallace was acting in a wholly personal capacity.

But the panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Wallace'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 Wallace's behaviour did not lead to a sentence of imprisonment (he was sentenced to a community order), which was indicative that the offences was at the less serious end of the possible spectrum from a criminal law perspective.

However, two of the offences (set out in allegations 1c and 2) involved intolerance on the grounds of race or sexual orientation. Mr Wallace used racist and homophobic terms as insults towards police officers who were trying to help him, to maintain the safety of the public around him, and to uphold the rule of law. The Advice states that offences involving intolerance on the grounds of race or sexual orientation are likely to be considered a relevant offence.

The panel took into account the stresses that Mr Wallace was under on the day, and also took into account the positive reference provided. The panel concluded that, were it not for the use of the racist and homophobic insults towards the officers, the offending behaviour would not be serious enough to be relevant to the teacher's ongoing suitability to teach.

The panel concluded that allegations 1a and b did not amount to convictions for a relevant offence.

The panel concluded that allegations 1c and 2, which involved the use of homophobic and racist insults, were of such seriousness that these convictions were relevant to Mr Wallace's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of convictions 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 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 Wallace, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Wallace were not treated with the utmost seriousness when regulating the conduct of the profession. Teachers are highly trained on matters of equality, diversity and inclusion, including protected characteristics, so a teacher using homophobic and racist insults when drunk is shocking and damaging to public confidence.

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 Wallace was outside that which could reasonably be tolerated. He publicly used racist and homophobic insults towards police officers trying to protect him and others, and to uphold the rule of law.



The panel recognised that his conduct seemed to be out of character as there were no previous incidents recorded against him and his referee spoke highly of him. There was some evidence to suggest that before this incident, he was a well-regarded teacher, and therefore there was some public interest in retaining him in the profession.

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 Wallace.

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 Wallace. 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;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism.

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 concluded that it could not be said that Mr Wallace's actions were not deliberate or that he was acting under duress. It noted that he appears to have had a previously good record, although it had limited evidence of this. It also noted the [REDACTED] he was under at the time.

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 Wallace 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 Wallace. The fact that his offending involved homophobic and racist insults 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. The panel concluded that these did not apply in this case.

The panel also noted that Mr Wallace has shown a degree of insight into his actions. He has expressed remorse and apologised to the police officers involved. He resigned from his post because he recognised the damage his conduct would do to the reputation of the School. He completed his sentence. He has [REDACTED] and has attended [REDACTED] in an attempt to address the underlying causes of his behaviour. He describes himself as deeply ashamed and embarrassed by his behaviour.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period. The panel recommends that a review should be allowed after 2 years.

The panel considers that at any future application for a review, it would be helpful for Mr Wallace to provide evidence that he has undergone up to date training on protected characteristics and unconscious bias awareness, and is able to articulate how his learning would impact on his future interactions with others.

## **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 some of those proven facts amount to a relevant conviction. In this case, the panel has found some of the allegations do not amount to a relevant conviction and I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Wallace 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
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

The panel also noted, “that Mr Wallace's actions did not take place while he was teaching, working with children and/or working in an education setting. They took place wholly outside the workplace when Mr Wallace was acting in a wholly personal capacity.”

However the panel says that it also, “took account of the way the teaching profession is viewed by others. The panel considered that Mr Wallace'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.”

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 Wallace, 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 that the behaviour took place outside of a school setting as noted above.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, “The panel also noted that Mr Wallace has shown a degree of insight into his actions. He has expressed remorse and apologised to the police officers involved. He resigned from his post because he recognised the damage his conduct would do to the reputation of the School. He completed his sentence. He has [REDACTED] and has attended [REDACTED] in an attempt to address the underlying

causes of his behaviour. He describes himself as deeply ashamed and embarrassed by his behaviour.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “In the light of the panel’s findings against Mr Wallace, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Wallace were not treated with the utmost seriousness when regulating the conduct of the profession. Teachers are highly trained on matters of equality, diversity and inclusion, including protected characteristics, so a teacher using homophobic and racist insults when drunk is shocking and damaging to public confidence.”

I am particularly mindful of the finding of a racially aggravated offence 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 a relevant conviction in this case 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 Wallace himself. The panel comment “There was some evidence to suggest that before this incident, he was a well-regarded teacher, and therefore there was some public interest in retaining him in the profession.”

A prohibition order would prevent Mr Wallace 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 fact that his offending involved homophobic and racist insults was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Wallace 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.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel's comments "The panel recommends that a review should be allowed after 2 years. The panel considers that at any future application for a review, it would be helpful for Mr Wallace to provide evidence that he has undergone up to date training on protected characteristics and unconscious bias awareness, and is able to articulate how his learning would impact on his future interactions with others."

I agree that a 2 year review period is proportionate and in the public interest.

**This means that Mr James Wallace is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 13 March 2025, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr James Wallace remains prohibited from teaching indefinitely.

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

Mr James Wallace 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: 8 March 2023**

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