



Teaching
Regulation
Agency

Mr Paul Edwards: Professional conduct panel outcome

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

May 2022

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Witnesses	4
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	13

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

Teacher: Mr Paul Edwards

TRA reference: 20116

Date of determination: 22 May 2023

Former employer: Co-Op Academy, Manchester

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 22 May 2023 to consider the case of Mr Paul Edwards.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Susan Humble (lay panellist) and Ms Bev Williams (teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Neel Rokad of Browne Jacobson LLP solicitors.

Mr Edwards was present and was represented by Ms Megan Fletcher-Smith of counsel, instructed by Thompsons solicitors.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of Hearing dated 9 March 2023.

It was alleged that Mr Edwards was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Co-op Academy Manchester ("the Academy"):

1. He engaged in inappropriate and unprofessional conduct in that;
 - (a) On or around 21 December 2020, and/or 22 December 2020, and/or 24 December 2020, and/or 29 December 2020 and/or 04 January 2021, he accessed pornographic material and websites using an Academy device;
 - (b) On or around 08 January 2021 and/or 09 January 2021, he accessed pornographic material and websites using an Academy device resulting in his arrest, the seizure of academy assets and a criminal investigation.
2. His conduct at allegations 1(a) and 1(b) included but was not limited to accessing material with titles including "dad", "young", "dadies", "twink", "teen" and "teen slave".
3. His conduct at allegation 1(a) and/or 1(b) was sexually motivated.

Mr Edwards admitted all of the allegations and that this conduct amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

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: Notice of Referral and response – pages 4 to 29

Section 2: Statement of Agreed Facts – pages 31 to 33

Section 3: Witness evidence – pages 35-106

Section 4: Teaching Regulation Agency documents – pages 108 to 250

Section 5: Teacher documents provided for investigation – pages 252 to 305

Section 6: Teacher documents – pages 307 to 312

The panel members confirmed that they had read all of the documents.

Witnesses

On the basis of Mr Edwards' admissions in relation to all of the allegations, no witnesses were called by the presenting officer.

In addition, Mr Edwards did not provide oral evidence to the panel.

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 Edwards was formerly employed as a teacher at the Co-op Academy, Manchester ("the Academy").

Mr Edwards commenced work at the Academy in September 2014, initially as a teaching assistant. He was subsequently employed as a mathematics teacher and, additionally, became head of family.

In December 2020, the Academy received notifications from 'ESafe' that Mr Edwards had accessed pornographic material via a device belonging to the Academy.

ESafe was described as a content monitoring system for staff and pupils at the Academy.

On 23 December 2020, as a consequence of the nature of the information received via ESafe, the Academy made an initial referral to the local authority designated officer (LADO) and the police.

Subsequently, on 24 December 2020 and 30 December 2020, the Academy received further ESafe notifications, indicating that Mr Edwards had continued to access pornographic material on the same device.

On 5 January 2021, the principal and executive head of the Academy met with Mr Edwards to raise this as a concern. During the course of the conversation that ensued it was recorded that Mr Edwards accepted accessing pornography using this device, described as an 'old' laptop.

Despite this, the Academy received an additional notification via ESafe confirming that further inappropriate content had been accessed by Mr Edwards on or around 8 and 9 January 2021, at which point the LADO and the police were notified once again.

Thereafter, the relevant chronology of events was as follows:

- On 11 January 2021, Mr Edwards was arrested and certain devices were seized.
- On 15 January 2021, Mr Edwards was suspended by the Academy.
- On 19 January 2021, the Academy was notified by the LADO and the police that no further action would be taken.
- The Academy proceeded to undertake an internal investigation and Mr Ian Burchett was appointed as investigating officer.
- On 11 February 2021, the Mr Burchett held an investigation meeting with Mr Edwards, the minutes of which were included in evidence.
- At the conclusion of Mr Burchett's investigation, he presented a report and the Academy commenced a disciplinary process.
- On 27 April 2021, the Academy held a disciplinary hearing. At the conclusion of that hearing, Mr Edwards ceased employment at the Academy.
- On 10 May 2021, Mr Edwards was referred to the TRA.

Findings of fact

The findings of fact are as follows:

The panel found the following allegations against you proved, for these reasons:

- 1. You engaged in inappropriate and unprofessional conduct in that;**
 - (a) On or around 21 December 2020, and/or 22 December 2020, and/or 24 December 2020, and/or 29 December 2020 and/or 04 January 2021, you accessed pornographic material and websites using an Academy device;**
 - (b) On or around 08 January 2021 and/or 09 January 2021, you accessed pornographic material and websites using an Academy device resulting in your arrest, the seizure of academy assets and a criminal investigation.**

Mr Edwards admitted the facts of allegation 1.

Mr Edwards accepted that, with reference to allegation 1(a), on or around 21 December 2020, 22 December 2020, 24 December 2020, 29 December 2020 and 4 January 2021, he accessed pornographic material and websites using an Academy device.

Similarly, in relation to allegation 1(b), Mr Edwards further admitted that, on or around 8 January 2021 and 9 January 2021, he once again accessed pornographic material and websites using the same Academy device.

In light of Mr Edwards' admissions, which were consistent with the evidence before it, the panel found the particulars of allegations 1(a) and 1(b) proved.

Mr Edwards also admitted, with reference to the stem of allegation 1, that this conduct was inappropriate and unprofessional.

The panel agreed. Not least, whilst the panel had in mind that the material accessed by Mr Edwards was not illegal, he did so via a device belonging to his employer.

The panel therefore found allegation 1 proved in its entirety.

2. Your conduct at allegations 1(a) and 1(b) included but was not limited to accessing material with titles including “dad”, “young”, “dadies”, “twink”, “teen” and “teen slave”.

Having found allegation 1 proved, pursuant to allegation 2 the panel was directed to the precise nature of the material accessed by Mr Edwards.

Mr Edwards admitted that it included material with titles including "dad", "young", "dadies", "twink", "teen" and "teen slave". This was clearly evidenced within the evidence before the panel.

Allegation 2 was therefore found proved.

3. Your conduct at allegation 1(a) and/or 1(b) was sexually motivated.

Having found the facts of allegations 1(a) and 1(b) proved, the panel went on to consider whether Mr Edwards' conduct in relation to those allegations was sexually motivated.

The only appropriate conclusion, given the nature and circumstances of his behaviour, was that Mr Edwards was sexually motivated, which he admitted.

Very clearly, this was conduct of a sexual nature having regard to the nature of the material accessed. The panel was satisfied that the reasonable inference to be drawn was that Mr Edwards was, by his actions, motivated by a desire to obtain sexual gratification from his behaviour.

On that basis and in light of Mr Edwards' admission, the panel found allegation 3 proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found all of the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Both elements were admitted by Mr Edwards. Whilst this admission was taken into account, the panel recognised the need to exercise its own, independent judgement when determining this issue.

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 Edwards, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Edwards 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

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel also considered whether Mr Edwards' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel concluded that none of these offences were relevant. Whilst the offences listed include sexual activity, the panel was not satisfied this was directly applicable in this case given the specific nature of the allegations found proved.

The presenting officer also submitted the following offence was relevant:

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

However, the panel did not agree with this submission.

The panel was satisfied, and found proved, that the material Mr Edwards' accessed was not illegal and, on the basis of the evidence presented, did not involve participants who were under the age of consent.

The panel was not persuaded that it could reasonably be inferred that Mr Edwards was seeking to view material involving or depicting participants under the age of 18. There was no clear, direct evidence to that effect and nor was it specifically alleged by the TRA.

Nonetheless, in light of its findings and having regard to the breaches of the Teachers' Standards identified, the panel was satisfied that the conduct of Mr Edwards amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel took account of the fact that Mr Edwards' actions did not directly involve pupils and was private in nature, in that it took place at his home. There was no suggestion that Mr Edwards ever accessed such material whilst in work.

However, Mr Edwards' conduct was brought within the education setting by the fact that he used equipment belonging to the Academy, albeit utilising an old device. Mr Edwards was aware that it was an Academy device and would have been required to access it using his relevant log in details.

Mr Edwards' actions also amounted to a clear breach of the Academy's code of conduct and electronic communications policy.

In all the circumstances, Mr Edwards had exhibited poor judgement. Not least, with reference to allegation 1(b), Mr Edwards continued to act in this manner, using the same device, despite having been specifically told, on or around 5 January 2021, that his conduct was going to be investigated.

Accordingly, the panel was satisfied that Mr Edwards was guilty of unacceptable professional conduct in relation to these allegations, which were considered as a whole given they were inextricably linked.

In relation to whether Mr Edwards' actions may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community.

The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

For the reasons set out, the findings of misconduct are serious. The conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Edwards' actions constituted conduct that may bring the profession into disrepute.

In summary, having found the facts of allegations 1, 2 and 3 proved, the panel further found that Mr Edwards' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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.

For the reasons set out in its findings, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Edwards were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was also of the view that there was a public interest consideration in declaring proper standards of conduct in the profession. The conduct found against Mr Edwards was outside that which could reasonably be tolerated.

Weighed against these matters, the panel also considered whether there was a public interest consideration in retaining Mr Edwards in the profession.

The panel noted that no doubt had been cast upon his abilities as an educator. The proven conduct only fell within the education setting on the specific, narrow basis outlined. The panel repeats that there was no suggestion that Mr Edwards ever accessed this material anywhere other than at home in the course of his private life. The panel was

also referred to positive character references and testimonials submitted on behalf of Mr Edwards.

For these reasons, the panel concluded there was a public interest in Mr Edwards continuing to work in education.

In view of 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 this would have on Mr Edwards.

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 Edwards.

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, the only one relevant in this case was:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

The panel went on to consider what mitigating factors were relevant in this case.

In the light of the panel's findings, it considered the following factors were present:

- Mr Edwards had a previous good history. He had an otherwise unblemished record whereby there was no evidence that Mr Edwards had been subject to any previous regulatory or disciplinary proceedings.
- Mr Edwards provided a number of character references and testimonials, which depicted him in positive terms.
- Mr Edwards made full admissions in these proceedings and accepted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Whilst the panel noted that Mr Edwards had previously sought to provide an alternate account of his actions, he had, now, shown insight. Mr Edwards fully accepted that he shown poor judgement and set out the steps he had taken to address the factors that had caused him to behave as he did.
- Mr Edwards also alluded to personal and health issues at the time of these events, which he had similarly sought to address.
- Mr Edwards had apologised for his actions and recognised and accepted that he had fallen short of the standards expected of him. To that extent, Mr Edwards had shown clear regret and remorse.

- For the reasons set out, the panel's findings were premised on the fact that Mr Edwards had accessed legal, adult pornography, albeit utilising an Academy device. There was nothing unlawful in what he did.
- There was no evidence of any harm to pupils as a result of Mr Edwards' actions. It followed that there were no serious consequences to his actions; for example, there was no direct impact on pupils' education or safeguarding.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Mr Edwards' actions involved breaches of the Teachers' Standards.
- Mr Edwards' actions were deliberate.
- Whilst this may have been an isolated breach in the context of Mr Edwards' career as a whole, the failings found proven, in this time period, were not isolated. Not least, Mr Edwards continued to access this material despite having been explicitly told that the Academy were aware of his actions and would be looking into them.
- His actions were contrary to the School's policies.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The nature of the proven conduct in this case was serious for the reasons outlined. However, having considered the mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case for the following reasons in particular.

First, the panel accepted that Mr Edwards had, but for these matters, a prior good record. This was, accordingly, an isolated aberration in the context of his career as a whole.

Secondly, considered in its proper context, the panel was not satisfied that Mr Edwards' actions were fundamentally incompatible with his continuing to be a teacher. He was perfectly entitled to access legal, adult pornography in the course of his private life. Had he done so using a personal device, there would have been no cause for regulatory intervention by the TRA. There was every possibility he could prove to be an asset to the

profession in the future given the information before the panel in relation to his prior background and career.

Thirdly, learners were not directly impacted. It was not a case that resulted in serious consequences for anyone other than Mr Edwards. That was an important consideration in terms of a proportionate outcome.

Fourthly, Mr Edwards had, now, shown a degree of insight. He showed regret and remorse. He had learnt important lessons, which will have been strengthened through this process. Mr Edwards recognised and accepted that he had let himself and the profession down.

In all these circumstances, the panel considered it was highly unlikely that Mr Edwards would put himself in a similar situation in the future. It therefore concluded that the risk of repetition was low.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate or proportionate in this case.

Having very carefully taken account of the public interest considerations Mr Edwards' proven conduct gave rise to, the panel therefore considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were not acceptable.

The panel considered this was a proportionate outcome, which struck a fair balance between the public interest and Mr Edwards' interests.

In arriving at this conclusion, the panel had in mind that whilst Mr Edwards had made mistakes and exhibited poor judgement, he had already suffered the consequences in terms of his departure from the Academy. The panel's findings may well have a consequential impact in terms of his professional reputation and employment prospects.

In the panel's judgement, for the reasons outlined, the risk of repetition of the same or similar conduct was low. The panel was also satisfied that its decision was sufficient to maintain public confidence and to uphold professional standards.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has recommended to the Secretary of State that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Paul Edwards 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel finds that the conduct of Mr Edwards fell significantly short of the standards expected of the profession.

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 Edwards, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "There was no evidence of any harm to pupils as a result of Mr Edwards' actions. It followed that there were no serious consequences to his actions; for example, there was no direct impact on pupils' education or safeguarding." The panel goes on to state that "In all these circumstances, the panel considered it was highly unlikely that Mr Edwards would put himself in a similar situation in the future. It therefore concluded that the risk of repetition was low." I have, therefore, given this element considerable weight in my deliberations.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mr Edwards had apologised for his actions and recognised and accepted that he had fallen short of the standards expected of him. To that extent, Mr Edwards had shown clear regret and remorse." It goes on to state that "...Mr Edwards

had, now, shown a degree of insight. He showed regret and remorse. He had learnt important lessons, which will have been strengthened through this process. Mr Edwards recognised and accepted that he had let himself and the profession down.” 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, “For the reasons set out in its findings, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Edwards were not treated with the utmost seriousness when regulating the conduct of the profession.” However, I have also noted the panel’s comments that it “...was not satisfied that Mr Edwards' actions were fundamentally incompatible with his continuing to be a teacher. He was perfectly entitled to access legal, adult pornography in the course of his private life. Had he done so using a personal device, there would have been no cause for regulatory intervention by the TRA.”

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 Edwards himself. The panel states “The panel noted that no doubt had been cast upon his abilities as an educator.” The panel also notes that “Mr Edwards had a previous good history. He had an otherwise unblemished record whereby there was no evidence that Mr Edwards had been subject to any previous regulatory or disciplinary proceedings.” It goes on to state that “Mr Edwards provided a number of character references and testimonials, which depicted him in positive terms.”

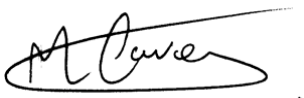
A prohibition order would prevent Mr Edwards from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments that these events were “an isolated aberration in the context of his career as a whole.” and that “In all these circumstances, the panel considered it was highly unlikely that Mr Edwards would put himself in a similar situation in the future. It therefore concluded that the risk of repetition was low.” I have also taken into account the panel’s comment that “There was

every possibility he could prove to be an asset to the profession in the future given the information before the panel in relation to his prior background and career.”

I have also placed considerable weight on the panel’s observation that “In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate or proportionate in this case.” I have also noted the panel’s comments “...that whilst Mr Edwards had made mistakes and exhibited poor judgement, he had already suffered the consequences in terms of his departure from the Academy. The panel's findings may well have a consequential impact in terms of his professional reputation and employment prospects.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable, and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 24 May 2023

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