



Teaching
Regulation
Agency

Mr Sean Bettinson: Professional conduct panel meeting outcome

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

September 2023

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

Teacher:	Mr Sean Bettinson
Teacher ref number:	9536510
Teacher date of birth:	13 November 1971
TRA reference:	19978
Date of determination:	11 September 2023
Former employers:	[REDACTED]

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually, via Microsoft Teams, on 11 September 2023 to consider the case of Mr Sean Bettinson.

The panel members were Ms Charlotte Kelly (lay panellist – in the chair), Ms Mona Sood (lay panellist) and Mr Ian Hylan (teacher panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan 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 Bettinson that the allegations be considered without a hearing. Mr Bettinson provided a signed statement of agreed facts and admitted being convicted of relevant offences. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Bettinson or his representative.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 15 August 2023.

It was alleged that Mr Bettinson was guilty of having been convicted of relevant offences, as follows:

1. **On 30 March 2021 at Isleworth Crown Court, the Teacher was convicted of the following offences:**
 - a) **Three counts of indecent assault on a girl under 16, contrary to s.14(1) and Schedule 2 of the Sexual Offences Act 1956 and;**
 - b) **Two counts of Abuse position of trust – engage in sexual activity contrary to s.3(1) and s.3(4) of the Sexual Offences (Amendments) Act 2000.**

Mr Bettinson admitted the facts of the allegations and that each of the offences amounted to a conviction for 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 list of key people – pages 1 to 5

Section 2: Notice of referral, response and Notice of Meeting – pages 6 to 8

Section 3: Statement of agreed facts and presenting officer representations – pages 9 to 13

Section 4: Teaching Regulation Agency documents – pages 14 to 86

Section 5: Teacher's documents – pages 87 to 132

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 Bettinson on 15 July 2023.

Decision and reasons

The panel's decision and reasons are as follows:

In advance of the meeting, the TRA agreed to a request from Mr Bettinson 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.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Findings of fact

The findings of fact are as follows.

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

1. **On 30 March 2021 at Isleworth Crown Court, you were convicted of the following offences:**
 - a) **Three counts of indecent assault on a girl under 16, contrary to s.14(1) and Schedule 2 of the Sexual Offences Act 1956 and;**
 - b) **Two counts of Abuse position of trust – engage in sexual activity contrary to s.3(1) and s.3(4) of the Sexual Offences (Amendments) Act 2000.**

The panel was presented with a statement of agreed facts, signed by Mr Bettinson, in which all of the allegations were admitted.

Mr Bettinson was previously employed as a teacher at a school in London. He worked at this School between 1 September 1997 and 31 August 2008.

In the course of his employment, he encountered Pupil A, who was a pupil at the school. Mr Bettinson knew Pupil A from 1998 and had regular contact with [REDACTED] including attending school trips organised by him. Pupil A turned 16 in 2001. From around October 2000, Mr Bettinson provided maths tutoring sessions to Pupil A. The tutoring took place in the context of preparation for GCSEs.

Throughout the period identified above, Mr Bettinson made numerous visits to the family home and provided lifts for Pupil A. The evidence is indicative of Mr Bettinson deliberately taking steps to nurture a relationship with Pupil A. The panel agreed his actions taken as a whole could be described as 'grooming'.

Mr Bettinson went on to engage in intimate physical contact and sexual activity with Pupil A whilst [REDACTED] was under the age of 16 years old, and this continued whilst [REDACTED] was 16 to 18 and still a pupil at the school. The unlawful conduct took place on numerous occasions between 2000 and 2003 and was thus sustained.

Mr Bettinson continued to have a relationship with Pupil A after [REDACTED] left the school, but these matters are not relevant to the conviction. Pupil A had concerns about what had taken place between [REDACTED] and Mr Bettinson and reported these concerns to the police in 2016. The police investigation led to the subsequent prosecution.

On 30 March 2021, at Isleworth Crown Court, Mr Bettinson entered a guilty plea to three counts of indecent assault on [REDACTED] under the age of 16 and two counts of abuse of a position of trust by engaging in sexual activity. On 22 April 2021, Mr Bettinson was sentenced to 16 months' imprisonment and entered onto the Sex Offenders Register for 10 years.

The panel was presented with a certificate of conviction from Isleworth Crown Court, confirming the convictions outlined above.

The panel was presented with the sentencing remarks of the presiding judge sitting at Court on 21 April 2021, summarising the offences and the reasons for the sentence imposed.

The panel accepted the certificate of conviction as conclusive proof of the commission of these offences by Mr Bettinson.

In light of this and Mr Bettinson's admissions, it found allegation 1 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 a conviction of a relevant offence, which Mr Bettinson admitted.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel determined that Mr Bettinson's actions were clearly relevant to teaching, working with children, and working in an education setting. Each of these offences were very serious in nature and directly involved a child and a pupil of his in respect of whom he was in a position of trust, which he abused.

The Advice states the following considerations are likely to warrant a finding that a conviction be considered a relevant offence:

- It is likely that a conviction for any offence that led to a term of imprisonment, including any suspended sentence will be considered "a relevant offence".
- It is also likely that a conviction for any offence that relates to, or involves, any of the following will be considered "a relevant offence": sexual activity and/or sexual communication with a child under 18.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Bettinson's behaviour in committing these offences would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should be at the very core of the practice of a teacher with a duty of care towards children.

The public and child protection issues engaged by Mr Bettinson's actions were demonstrated by the custodial sentence and the requirement to register as a sex offender for 10 years.

The panel did not consider there to be any relevant mitigating circumstances in relation to the commission of these offences. The offending was deliberate, planned and sustained over a number of years. Mr Bettinson was responsible for a gross breach of trust, on occasions attending the family home, and Pupil A describes in [REDACTED] statements to the police how the offending has seriously impacted [REDACTED] life, and such issues were taken into account by the sentencing Judge. Pupil A described in great detail what [REDACTED] had endured at the hands of Mr Bettinson, and at various points describes [REDACTED] experience as one of abuse. The panel took the view that this reflected the scale and severity of the misconduct.

In conclusion and for all these reasons, the panel found that the seriousness of the offending behaviour that led to the conviction was directly relevant to Mr Bettinson's ongoing suitability to teach. The panel considered that a finding that this conviction was

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 relevant offences, it was necessary for it 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 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 nature of the offences for which Mr Bettinson was convicted and having regard to the specific context, with particular reference to the Judge's sentencing remarks, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. Mr Bettinson's actions raised obvious and significant public and child protection concerns.

The panel considered that public confidence in the profession would be very seriously weakened if conduct such as that found against Mr Bettinson was not treated with the utmost seriousness when regulating the profession. This was conduct that was, very clearly, extremely serious.

For the same reasons, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

Whilst no doubt had been cast upon Mr Bettinson's abilities as a teacher, given the nature of the allegations in this case the panel concluded there was no evidence of a strong public interest consideration in retaining him in the profession.

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 this would have on Mr Bettinson.

In carrying out the balancing exercise, the panel had regard to the public interest considerations present as well as the interests of Mr Bettinson. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. 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.

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 considered that the following mitigating factors are present in this case:

- Mr Bettinson appeared to have a strong teaching record. There was evidence of good character prior to his conviction and his technical ability as a teacher was not challenged.
- Mr Bettinson had fully engaged with the TRA and made full admissions.
- There was some indication of regret and remorse.

Weighed against this, the aggravating features in this case included that:

- Mr Bettinson's actions were deliberate and he was not acting under duress.
- Mr Bettinson received two relevant warnings from the school in 2001 and 2002 regarding safeguarding issues and the need to avoid unsupervised contact with pupils.
- His actions involved manipulative and exploitative behaviour towards a pupil, and [REDACTED] family, taking place over a number of years, namely between 2000 and 2003.
- His actions amounted to a clear breach of the Teachers' Standards and raised serious public and child protection concerns.
- Mr Bettinson was an experienced teacher who was in a position of trust and responsibility. He was also a role model. He had fallen very far short of the standards expected of him in that regard.

Mr Bettinson has been convicted of and sentenced for very serious offences involving a child and is a registered Sex Offender.

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 Bettinson of prohibition.

Mr Bettinson's actions were fundamentally incompatible with his being a teacher. This was conduct of the most serious nature. The nature and gravity of these offences was a matter of significant concern. There were, accordingly, particularly strong public interest considerations in this case in terms of protecting the public, public confidence in the teaching profession and the declaring of proper standards of conduct in this case.

Mr Bettinson's behaviour led to him receiving a custodial sentence, which is indicative of the seriousness of the offences. The panel was therefore of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Bettinson.

Accordingly, it 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.

These behaviours include any sexual misconduct involving a child.

Whilst Mr Bettinson appeared to have shown limited remorse and regret, there was no clear evidence of insight. The panel did note that the Judge considered that there was a low risk of Mr Bettinson repeating his offending. However, this panel is tasked with considering broader issues of risk and sexual harm and given the severity of the conduct is not satisfied that it can be said that there is a low risk of Mr Bettinson repeating harmful, exploitative behaviour and/or exposing pupils to a risk of harm, even if this may not result in the commission of further sexual offences.

The panel nonetheless decided that its findings indicated a situation in which a review period would not be appropriate.

The nature and seriousness of the offences in this case necessitated the prohibition order to be recommended without provision for a review period. The public interest considerations that Mr Bettinson's conviction gives rise to were such that this was necessary, appropriate and proportionate. The panel repeats that Mr Bettinson's actions are, fundamentally, incompatible with his being a teacher.

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 Sean Bettinson should be the subject of a prohibition order with no provision for a review period.

In particular, the panel has found that Mr Bettinson is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of a conviction for the offences of indecent assault on [REDACTED] under 16 and abuse of a position of trust, which resulted in a custodial sentence.

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 a relevant conviction, 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 Bettinson, 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:

“Each of these offences were very serious in nature and directly involved a child and a pupil of his in respect of whom he was in a position of trust which he abused.”

“The public and child protection issues engaged by Mr Bettinson's actions were demonstrated by the custodial sentence and the requirement to register as a sex offender for 10 years.”

“The panel did note that the Judge considered that there was a low risk of Mr Bettinson repeating his offending. However, this panel is tasked with considering broader issues of risk and sexual harm and given the severity of the conduct is not satisfied that it can be said that there is a low risk of Mr Bettinson repeating harmful, exploitative behaviour and/or exposing pupils to a risk of harm, even if this may not result in the commission of further sexual offences.”

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, “Whilst Mr Bettinson appeared to have shown limited remorse and regret, there was no clear evidence of insight.” In my judgement, the lack of insight means that there is some risk of the repetition of at least some elements 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 considered that “Mr Bettinson's behaviour in committing these offences would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community.” I am particularly mindful of the finding of a conviction for indecent assault and abuse of a position of trust 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 and conduct likely to bring the profession into disrepute, 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 Bettinson himself. The panel comment, "Whilst no doubt had been cast upon Mr Bettinson's abilities as a teacher, given the nature of the allegations in this case the panel concluded there was no evidence of a strong public interest consideration in retaining him in the profession."

A prohibition order would prevent Mr Bettinson 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 concerning the lack of insight and full remorse. I have also placed considerable weight on the finding of the panel that Mr Bettinson has been convicted of and sentenced for very serious offences involving a child, and is a registered Sex Offender.

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

I have considered the panel's comments, "The nature and seriousness of the offences in this case necessitated the prohibition order to be recommended without provision for a review period. The public interest considerations that Mr Bettinson's conviction gives rise to were such that this was necessary, appropriate and proportionate. The panel repeats that Mr Bettinson's actions are, fundamentally, incompatible with his being a teacher."

I have considered whether or not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the conviction for a serious criminal offence involving sexual misconduct with a child, the abuse of a position of trust and the lack of clear evidence of insight.

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 Sean Bettinson 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 Bettinson 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 Bettinson has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 15 September 2023

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