



Teaching
Regulation
Agency

Mr Michael Bright: Professional conduct panel meeting outcome

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

October 2023

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

Teacher:	Mr Michael Bright
Teacher ref number:	1570696
Teacher date of birth:	06 May 1990
TRA reference:	20414
Date of determination:	5 October 2023
Former employer:	Little Mead Primary Academy, Bristol

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 5 October 2023 by virtual means to consider the case of Mr Michael Bright.

The panel members were Mr Martyn Stephens (lay panellist – in the chair), Ms Miranda Norris (teacher panellist) and Ms Helen Kielty (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP.

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 Bright that the allegation be considered without a hearing. Mr Bright 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 Laura Vignoles of Kingsley Napley LLP or Mr Bright.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 31 July 2023

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

1. On 5 November 2021, he was convicted of 3 counts of distributing indecent photographs or pseudo-photographs of children in contravention of s1 of the Protection of Children Act 1978.

Mr Bright admitted both the alleged facts and that it amounted to a conviction of 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 key people list – pages 3 to 4

Section 2: Notice of referral, response and notice of meeting – pages 5 to 13

Section 3: Statement of agreed facts and presenting officer representations – pages 14 to 18

Section 4: Teaching Regulation Agency documents – pages 19 to 91

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 Bright on 17 July 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Bright for the allegation 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 Bright was employed by Little Mead Primary Academy (the “School”) from 1 September 2017 as a teacher and phase leader. He was arrested on 16 July 2021 on suspicion of distributing indecent images of children. Mr Bright ceased to be employed at the School on 9 November 2021.

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 5 November 2021 you were convicted of 3 counts of distributing indecent photographs or pseudo-photographs of children in contravention of s1 of the Protection of Children Act 1978.**

The panel has seen a certificate of conviction confirming that Mr Bright was convicted as alleged. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction.

Mr Bright was sentenced to 16 months’ imprisonment suspended for 24 months. The following were also ordered: 150 hours of unpaid work; 30 days of rehabilitation activity requirement; registration on the sex offenders’ register for 10 years; sexual harm prevention order for 5 years; £425 costs and £156 victim surcharge.

Mr Bright placed himself in a group on a social network site that had an interest in adult pornography. A small number of indecent, unlawful images and videos became available to Mr Bright through that platform. During the course of communicating with individuals via the platform who were sharing adult pornography, Mr Bright received a communication from someone who specifically asked for material of an illegal nature. He subsequently sent four videos (two category A, one category B and one category C), knowing the nature of their content.

Mr Bright admitted having shared the images with the other user and pleaded guilty to the offences.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of those proved allegations amounted to conviction of a relevant offence.

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

The panel was satisfied that the conduct of Mr Bright, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Bright 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 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 noted that the individual’s actions were relevant to teaching, working with children and working in an education setting. Sharing of the images demonstrated a disregard for his safeguarding responsibilities. Sharing of indecent videos supports a market that sexually exploits children.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Bright’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Bright was allowed to continue teaching.

The panel noted that Mr Bright’s behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered “a relevant offence”.

This was a case concerning an offence 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

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered “a relevant offence”.

The panel viewed the offence as a serious one. Mr Bright’s explanation during the School’s disciplinary investigation for having passed the videos on was that he “didn’t feel like myself as I did it”. Mr Bright went on to state that he had “great remorse surrounding the incident, and that this was an entirely internet based offence.” The panel was concerned that Mr Bright appeared not to appreciate the impact on the children depicted in the images.

The panel took into account that Mr Bright admitted his conduct to the police and pleaded guilty to the offence. The panel noted that the Judge's sentencing remarks referred to Mr Bright having contacted Stop It Now and that there were references before the court, including from [REDACTED], that viewed the behaviour as wholly out of character. His representative also stated that Mr Bright had been working with the Lucy Faithfull Foundation since his initial arrest. The references and evidence of seeking support were not before the panel. However, the panel noted that the judge had concluded that, in light of the short period of offending, there was a real prospect of rehabilitation with the appropriate safeguards. The panel also noted that the judge took into account what he took to be genuine remorse.

Although Mr Bright had taught for over 6 years at the time of his arrest, and was an experienced teacher, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Bright's fitness to be a teacher. The panel considered that a finding that this conviction was for a relevant offence 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 conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Bright and whether a prohibition order is necessary and proportionate. 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 the following to be relevant in this case, namely, the safeguarding and wellbeing of members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and striking the right balance between the rights of the teacher and the public interest, if they are in conflict.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of members of the public, given the serious findings of distributing indecent images of children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bright were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Whilst no doubt had been cast upon his ability as an educator the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Bright in the profession, since his conduct directly contravened the safeguarding obligations in which he was trained and understood.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel viewed seriously Mr Bright's online behaviours including, but not limited to, online misconduct and facilitating online abuse.

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

the commission of a serious criminal offence, 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 disclosure;

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

failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

Mr Bright's actions also undermined the integrity of the teaching profession as he failed to uphold the values, beliefs and moral principles of the profession.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher; and whether there were mitigating circumstances.

There was no evidence that Mr Bright's actions were not deliberate.

There was no evidence to suggest that Mr Bright was acting under extreme duress, eg a physical threat or significant intimidation.

Mr Bright did have a previously good history, although there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

No statements were adduced for the purpose of this professional conduct panel hearing attesting to Mr Bright's character or teaching ability.

Mr Bright has provided representations for the panel to consider. He stated that he had immediately regretted his actions and had worked hard with his probation officer to understand the reasons that led him to commit the offence. He stated that ultimately he understood that regardless of the reasons behind his conviction and the post-conviction work he has undertaken to turn his life around, he would be barred from any educational role. He has stated that he "vehemently regret[s his] actions and the consequences it has had on the people that trusted [him] in both [his] professional and personal life." The panel has seen no independent evidence of the progress Mr Bright has made in his rehabilitation.

Whilst Mr Bright has expressed regret, the panel was concerned that Mr Bright described his conduct during the School's disciplinary hearing as an "entirely internet based offence." The panel has seen no evidence of Mr Bright understanding the impact on children who are the victims of sexual exploitation.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Bright 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 Bright given his fundamental breach of the safeguarding obligations in which he was trained. 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 for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The panel found Mr Bright to be responsible for such conduct.

There was insufficient evidence of insight as to the impact on victims or of Mr Bright's rehabilitation to persuade the panel that the risk of repetition was low. Furthermore, the nature of the offence is such that Mr Bright is unsuitable to work with children.

The panel decided that the findings indicated a situation in which a review period is not 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 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 Michael Bright should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Bright 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 findings of misconduct are particularly serious as they include an offence involving the distribution of indecent photographs or pseudo-photographs of children which resulted in a custodial sentence (suspended).

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 Bright, 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 recorded that it "...noted that the individual's actions were relevant to teaching, working with children and working in an education setting. Sharing of the images demonstrated a disregard for his safeguarding responsibilities. Sharing of indecent videos supports a market that sexually exploits children." 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 it set out as follows, "He (Mr Bright) stated that he had immediately regretted his actions and had worked hard with his probation officer to understand the reasons that led him to commit the offence. He stated that ultimately he understood that regardless of the reasons behind his conviction and the post-conviction work he has undertaken to turn his life around, he would be barred from any educational role. He has stated that he *"vehemently regret[s his] actions and the consequences it has had on the people that trusted [him] in both [his] professional and personal life."* The panel has seen no independent evidence of the progress Mr Bright has made in his rehabilitation."

The panel go on to observe that, "Whilst Mr Bright has expressed regret, the panel was concerned that Mr Bright described his conduct during the School's disciplinary hearing as an "entirely internet based offence." The panel has seen no evidence of Mr Bright understanding the impact on children who are the victims of sexual exploitation." In my judgment, the lack of full insight and remorse demonstrated, and particularly the lack of evidence that Mr Bright understands the potential real-world impact of his behaviour, means that there is some risk of repetition 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 record that it "...considered that Mr Bright's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Bright was allowed to continue teaching." I am particularly mindful of the finding of an offence involving the sharing of indecent images of children in this case and the impact that such a finding may have 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 Bright himself. The panel observe that, “Mr Bright did have a previously good history, although there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.” It goes on to state that, “Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Bright of prohibition.”

A prohibition order would prevent Mr Bright 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 evidence of full insight or remorse. I have also given considerable weight to the seriousness and nature of the offence committed by Mr Bright.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Bright has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

In doing so, the panel was mindful of the Advice which indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any sexual misconduct involving a child and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

I have noted the panel's comments, "There was insufficient evidence of insight as to the impact on victims or of Mr Bright's rehabilitation to persuade the panel that the risk of repetition was low. Furthermore, the nature of the offence is such that Mr Bright is unsuitable to work with children."

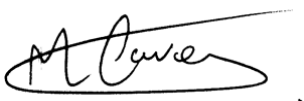
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness and nature of Mr Bright's offence involving distributing indecent images of children and the lack of evidence of full insight into and remorse for his actions.

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 Michael Bright 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 Bright 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 Bright 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 black ink, appearing to read 'M. Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 6 October 2023

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