



Teaching  
Regulation  
Agency

# **Mr Daniel Peacey: 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 Daniel Peacey  
**TRA reference:** 21262  
**Date of determination:** 23 October 2023  
**Former employer:** Wyton on the Hill Primary School

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 October 2023 remotely via Microsoft Teams, to consider the case of Mr Peacey.

The panel members were Mrs Christine McLintock (teacher panellist – in the chair), Mrs Melissa West (teacher panellist) and Mr Peter Whitelock (lay panellist).

The legal adviser to the panel was Ms Sarah Price 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 Peacey that the allegations be considered without a hearing. Mr Peacey provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer or Mr Peacey.

The meeting took place in private.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 10 August 2023.

It was alleged that Mr Peacey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. In or around July 2019, during a School event, he:
  - a) consumed alcohol;
  - b) appeared under the influence of alcohol.
  
2. On or around 18 July 2022, during a School residential trip at [redacted], he:
  - a) consumed alcohol;
  - b) appeared under the influence of alcohol.
  
3. On or around 19 July 2022, he returned to [redacted] when he:
  - a) had been given instructions to leave;
  - b) appeared to be under the influence of alcohol.
  
4. On or around 19 July 2022, in relation to the conduct alleged at paragraph 2, he asked Colleague A and/or Colleague B not to disclose the events of 18 July 2022.
  
5. His conduct above at paragraph 4 was:
  - a) dishonest;
  - b) lacked integrity.

Mr Peacey accepted the allegations and that his conduct amounted to unacceptable professional conduct and conduct that 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: Chronology and List of Key People – pages 4 to 5

Section 2: Correspondence – pages 6 to 22a

Section 3: Statement of Agreed Facts and Presenting officer Representations – pages 23 to 30

Section 4: Teaching Regulation Agency documents – pages 31 to 156

Section 5: Teacher documents – pages 157 to 190

In addition, the panel was provided with a 3-page document from the Teacher, which consisted of a letter from the DBS, dated 25 July 2023.

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 Peacey on 26 June 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 Peacey 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 Peacey had been employed at Wyton on the Hill Primary School (“the School”) since 1 September 2017 as a Year 6 class teacher. In July 2019, Mr Peacey attended an end of term sleepover event for pupils organised by the School. Following the sleepover in 2019, Mr Peacey was temporarily suspended pending an investigation. Mr Peacey was subsequently issued with a warning regarding his conduct.

On 18 July 2022, Mr Peacey was in charge of students during a residential stay at [redacted]. The following day, he was suspended pending an investigation into allegations regarding his conduct on 18 July 2022.

On 31 October 2022, Mr Peacey ceased employment at the School.

## **Findings of fact**

The findings of fact are as follows:

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

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as a Teacher at Wyton on the Hill Primary School:**

**1. In or around July 2019, during a School event, you:**

- a) consumed alcohol;**
- b) appeared under the influence of alcohol.**

Particular 1 was admitted and was supported by evidence presented to the panel within the bundle, therefore, it was found proved.

**2. On or around 18 July 2022, during a School residential trip at [redacted], you:**

- a) consumed alcohol;**
- b) appeared under the influence of alcohol.**

Particular 2 was admitted and was supported by evidence presented to the panel within the bundle, therefore, it was found proved.

**3. On or around 19 July 2022, you returned to [redacted] when you:**

- a) had been given instructions to leave;**
- b) appeared to be under the influence of alcohol.**

Particular 3 was admitted and was supported by evidence presented to the panel within the bundle, therefore, it was found proved.

**4. On or around 19 July 2022, in relation to the conduct alleged at paragraph 2, you asked Colleague A and/or Colleague B not to disclose the events of 18 July 2022.**

Particular 4 was admitted and was supported by evidence presented to the panel within the bundle, therefore, it was found proved.

**5. Your conduct above at paragraph 4 was:**

- a) dishonest;**
- b) lacked integrity.**

The panel noted that particular 5 was admitted by Mr Peacey.

In reaching its decision, the panel had regard to the case of *Ivey v Genting Casinos* [2017] UKSC 67. The panel first sought to ascertain the state of Mr Peacey's actual knowledge or belief as to the facts. The panel noted the text messages that Mr Peacey had sent to Colleague A where he had acknowledged his behaviour.

The panel found that Mr Peacey had attempted to cover up the incident by asking Colleague A to ignore the incident. A text message sent to Colleague A on 20 July 2022 stated "*I am begging you to please overlook this...*". The panel also noted that Mr Peacey had stated to Colleague B that he had done nothing wrong.

The panel found that Mr Peacey's conduct in doing so had been dishonest according to the standards of ordinary decent people.

The panel also found that Mr Peacey's conduct amounted to a lack of integrity. The panel noted that Mr Peacey had placed Colleague A in a difficult position by asking them to turn a blind eye to the incident. The panel also saw evidence that Mr Peacey had attempted to influence another colleague to cover up his behaviour.

The panel found particular 5 proved.

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

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

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 Peacey in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Peacey 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
  - 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 was satisfied that the conduct of Mr Peacey fell significantly short of the standards expected of the profession.

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

The panel found that none of these offences was relevant.

Accordingly, the panel was satisfied that Mr Peacey was guilty of unacceptable professional conduct.

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 they behave. Mr Peacey was the leader on the trip and the panel found that parents and members of the public would not expect such behaviour.

The findings of misconduct were serious and 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 Peacey's actions constituted 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/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 a 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;
- declaring and upholding proper standards of conduct;
- and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

There was a strong public interest consideration in respect of the protection of pupils given the serious findings that Mr Peacey had consumed alcohol and his subsequent behaviour whilst responsible for pupils.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Peacey.

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 Peacey. 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;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;

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 found that there was evidence that Mr Peacey's actions were deliberate.

There was no evidence to suggest that Mr Peacey was acting under duress.

The panel was not provided with any evidence that prior to the two incidents in 2019 and 2021, Mr Peacey had anything other than a good character.

The panel was not provided with any evidence that Mr Peacey had made a significant contribution to education.

The panel noted the significant steps Mr Peacey had undertaken to address the underlying issue of his [redacted]. In his mitigation, Mr Peacey stated that he had been [redacted] and had not realised this could not be mixed with alcohol.

The panel considered that there had been real attempts made by Mr Peacey to change his behaviour and make amends for his actions. There was evidence of genuine insight and remorse.

In a letter sent to Colleague A [redacted] dated 23 November 2022, Mr Peacey wrote:

*"Regardless of what I was going through at time, I still had a professional responsibility to lead the residential and safeguard all of those that attended including you and I did not. You placed your trust in me along with the children, the staff, the parents and just about everyone that was present and I broke that trust. What I did was shameful, irresponsible and quite frankly unacceptable. You needed me that week and I let you down."*

The panel was provided with a letter from Mr Peacey's [redacted] dated 22 May 2023, which included the following comment:

[Redacted]

The panel was provided with evidence to show that Mr Peacey now acts as [redacted]. The panel noted the letter from [redacted], dated 31 May 2023, which stated:

[Redacted]

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it 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.

## **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 sanction.

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 made a recommendation to the Secretary of State that Mr Peacey should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute, or a relevant conviction should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Peacey 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

- 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 Peacey 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 Peacey, 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/or safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the protection of pupils given the serious findings that Mr Peacey had consumed alcohol and his subsequent behaviour whilst responsible for pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered that there had been real attempts made by Mr Peacey to change his behaviour and make amends for his actions. There was evidence of genuine insight and remorse." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Peacey were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of alcohol consumption in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Peacey himself and the panel comment “The panel was not provided with any evidence that prior to the two incidents in 2019 and 2021, Mr Peacey had anything other than a good character.

The panel was not provided with any evidence that Mr Peacey had made a significant contribution to education.”

A prohibition order would prevent Mr Peacey 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 comment on insight and remorse and evidence was seen in a letter from Mr Peacey which said, *“Regardless of what I was going through at time, I still had a professional responsibility to lead the residential and safeguard all of those that attended including you and I did not. You placed your trust in me along with the children, the staff, the parents and just about everyone that was present and I broke that trust. What I did was shameful, irresponsible and quite frankly unacceptable. You needed me that week and I let you down.”*

I have also placed considerable weight on the finding of the panel that “The panel noted the significant steps Mr Peacey had undertaken to address the underlying issue of his [redacted]. In his mitigation, Mr Peacey stated that he had been [redacted] and had not realised this could not be mixed with alcohol.”

I have given weight in my consideration of sanction therefore, to the following comment from the panel “Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”

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 'SABuxcey', with a horizontal line extending from the start of the signature.

**Decision maker: Sarah Buxcey**

**Date: 25 October 2023**

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