



Teaching
Regulation
Agency

Mr Matthew Edwards: 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 Matthew Edwards
Teacher ref number:	1647416
Teacher date of birth:	27 May 1997
TRA reference:	19614
Date of determination:	24 October 2023
Former employer:	Homelands Primary School

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 24 October 2023 remotely via Microsoft Teams, to consider the case of Mr Edwards.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mrs Christine McLintock (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 Edwards that the allegation be considered without a hearing. Mr Edwards provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer or Mr Edwards.

The meeting took place in private.

Allegations

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

It was alleged that Mr Edwards convicted and sentenced on 30 September 2022 at Exeter Crown Court of the following relevant offence:

1. Three counts of possessing an indecent photograph or pseudo-photograph of a child on 14/3/20.
2. Two counts of making an indecent photograph or pseudo-photograph of children on 14/3/20.
3. One count of making indecent photograph or pseudo-photograph of children on 15/12/18-6/11/20.

Mr Edwards admitted the facts and 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 anonymised pupil list and list of key people – pages 3 to 4

Section 2: Notice of Referral, response and Notice of Meeting – pages 5 to 27b

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 28 to 31

Section 4: Teaching Regulation Agency documents – pages 32 to 50

Section 5: Teacher documents – pages 51 to 61

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 Edwards on 6 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 Edwards 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 Edwards had been employed as a teacher at Homelands Primary School (“the School”) between 1 September 2018 and 22 April 2019. Between 13 October 2020 and 26 November 2020, he was employed as a supply cover teacher at Haytor View School. On 14 July 2022, Mr Edwards appeared at the South and West Devon Magistrates Court where he pleaded guilty to the charges against him. On 30 September 2022, Mr Edwards was sentenced at Exeter Crown Court to a period of imprisonment for 12 months, suspended for 24 months.

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:

You were convicted and sentenced on 30 September 2022 at Exeter Crown Court of the following relevant offence:

- 1. Three counts of possessing an indecent photograph or pseudo-photograph of a child on 14/3/20.**
- 2. Two counts of making an indecent photograph or pseudo-photograph of children on 14/3/20.**
- 3. One count of making indecent photograph or pseudo-photograph of children on 15/12/18-6/11/20.**

The allegation was admitted and was supported by evidence presented to the panel within the bundle. In particular, the panel accepted the certificate of conviction as proof of the commission of the offences. Therefore, the allegation was found proved.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to a 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 Edwards in relation to the facts it 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, 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, and maintain high standards in their own attendance and punctuality.
- 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 Mr Edwards’ actions were relevant to teaching, working with children and working in an education setting.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Edwards’ behaviour in committing the offence would affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Edwards’ behaviour ultimately led to a sentence of imprisonment (albeit that it was suspended), which was indicative of the seriousness of the offence committed.

This was a case involving an offence of activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one off incidents, which the Advice states is likely to be considered a relevant offence.

The panel was not provided with any evidence of mitigating circumstances.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Edwards' ongoing suitability to teach. The panel considered that a finding that the 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 a 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 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 of a conviction.

Similarly, the panel considered that public confidence in the profession would be seriously 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 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 Edwards 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 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, 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, 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 disclosures.
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- 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 in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

Even though 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.

There was evidence that Mr Edwards' actions were deliberate.

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

There was no evidence that Mr Edwards demonstrated exceptionally high standards or had contributed significantly to the education sector.

The panel noted that in the Sentencing Remarks, the Judge had referred to "*impressive references*" that had been submitted on Mr Edwards' behalf by family members and

others. However, the panel was not provided with any character references and did not have sight of the references provided to the Judge.

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 Edwards 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 Edwards. The seriousness of the offending behaviour was a significant factor in forming that opinion. The panel took account of the Sentencing Remarks, where the Judge stated:

“There are, in this case however, a number of aggravating features. Those are features which make your offending more serious still and they include the duration over which you were seeking out and downloading this sort of material, the youth of many of the children depicted. There were a significant number of movies and a large number of different victims depicted and there is no doubt in my mind that you set about deliberately looking for this material once you had, to put it euphemistically, got into it.”

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel found that Mr Edwards was responsible for both possessing and making indecent photographs or pseudo photographs of children.

The panel noted that in the Sentencing Remarks, the Judge stated:

“It is clear to me from the Pre-Sentence Report, that your insight into your own behaviour is still very limited, and your appreciation of the extraordinary psychological harm that is caused in the making of this sort of imagery, the exploitation of very young children, the psychological destruction of their lives, your understanding of what lies behind these images is also, and, I must say after all this time, surprisingly limited and you need to do a lot of work on those sort of topics and that is going to be important in stopping you from ever doing this again, because it seems that there is something inside you which derives some sort of satisfaction from looking at these images and you need to either weed it out or guard against it.”

The panel was not provided with any evidence that Mr Edwards had developed his insight into his conduct.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions 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 Matthew Edwards should be the subject of a prohibition order with no provision for a review period.

In particular, the panel has found that Mr 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, 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, and maintain high standards in their own attendance and punctuality.
- 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 Edwards involved breaches of the duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 statutory guidance Keeping children safe in education (KCSIE)).

The panel finds that the conduct of Mr Edwards 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 relevant offence of possessing and making indecent photographs or pseudo-photographs of children.

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 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 and safeguard pupils. The panel has observed that “the behaviour involved in committing the offence could have had an impact on the safety of pupils and/or members of the public.” The panel notes that the judge’s sentencing remarks referred to aggravating features which made the offending more serious including the duration over which Mr Edwards was seeking out and downloading the material, and the youth of many of the children depicted. A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comment that it “was not provided with any evidence that Mr Edwards had developed his insight into his conduct.” The panel notes the judge’s sentencing remarks:

“It is clear to me from the Pre-Sentence Report, that your insight into your own behaviour is still very limited, and your appreciation of the extraordinary psychological harm that is

caused in the making of this sort of imagery, the exploitation of very young children, the psychological destruction of their lives, your understanding of what lies behind these images is also, and, I must say after all this time, surprisingly limited and you need to do a lot of work on those sort of topics and that is going to be important in stopping you from ever doing this again, because it seems that there is something inside you which derives some sort of satisfaction from looking at these images and you need to either weed it out or guard against it.”

The panel does not comment on Mr Edwards’ remorse for his actions.

In my judgement, the lack of insight and the lack of evidence of remorse means that there is some risk of the repetition 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 observe that “Mr Edwards’ behaviour in committing the offence would affect public confidence in the teaching profession, 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 a very serious offence which resulted in a suspended custodial sentence and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of a relevant conviction, in 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 comment, “There was no evidence that Mr Edwards demonstrated exceptionally high standards or had contributed significantly to the education sector.” The panel was not provided with any character references and did not have sight of references provided to the judge.

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 comment that it “was not provided with any evidence that Mr Edwards had developed his insight into his conduct.”

I have also placed considerable weight on the finding of the panel that Mr Edwards was convicted of the serious criminal offence of possessing and making indecent photographs or pseudo-photographs of children.

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

I have considered the panel's comments, "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child. The panel found that Mr Edwards was responsible for both possessing and making indecent photographs or pseudo photographs of 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 serious nature of the offence of which Mr Edwards was convicted, the lack of insight and the lack of evidence of remorse, and the damage to the public's perception of the teaching profession.

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 Matthew Edwards 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 Edwards 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 Edwards 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 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 26 October 2023

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