



Teaching
Regulation
Agency

Mr Simon Beckerson: Professional conduct panel outcome

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

November 2023

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

Teacher: Mr Simon Beckerson
Teacher ref number: 0539892
Teacher date of birth: 27 September 1976
TRA reference: 19856
Date of determination: 20 November 2023
Former employer: (REDACTED)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 20 November 2023, to consider the case of Mr Beckerson.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Ms Juliet Berry (lay panellist), and Mrs Elizabeth Pollitt (teacher panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Harriet Dixon of Kingsley Napley LLP solicitors.

Mr Simon Beckerson was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 5 October 2023.

It was alleged that Mr Simon Beckerson was guilty of having been convicted of a relevant offence at any time, in that:

1. On or around 26 August 2021, he was convicted of:
 - a) Three counts of possessing an indecent photograph or pseudo photograph of a child;
 - b) Three counts of making an indecent photograph or pseudo photograph of a child;
 - c) Possessing prohibited images of children;
 - d) Possessing extreme pornographic images of an act of intercourse/oral sex with a dead/alive animal.

Mr Beckerson admitted the facts of the allegations. Mr Beckerson was not asked if the facts of these allegations amounted to conviction of a relevant offence and therefore the panel took this as not being admitted.

Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Beckerson.

The panel was satisfied that TRA has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Hearing complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel has taken as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel has noted that the teacher may waive his right to participate in the hearing. The panel has firstly taken account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1.

The panel was satisfied from the service bundle provided by the presenting officer that Mr Beckerson had been made aware of the proceedings. The panel have the benefit of Mr Beckerson's response to the notice of hearing which clearly states he had received the notice but wished to absent himself from proceedings and did not wish for a representative to attend on his behalf. The panel therefore considered that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel did not consider that an adjournment would result in the teacher attending at a later date. The panel has the benefit of Mr Beckerson's admissions and documents relating to Mr Beckerson's conviction.

The panel has decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of his right to appear and taking account of the inconvenience an adjournment would cause and the likelihood that this would result in Mr Beckerson attending, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of hearing and response – pages 5 to 19

Section 3: Teaching Regulation Agency documents – pages 20 to 251

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Witnesses

Neither party called witnesses.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Beckerson was employed as a classroom teacher at (REDACTED) (“the School”) from 1 September 2007.

On 20 October 2020, a member of the public discovered a bag containing a School ID badge with Mr Beckerson’s name. The bag was found to contain indecent images of children. Mr Beckerson was arrested on the same day. His home was searched by police and his devices were seized.

On 21 October 2020, Mr Beckerson was suspended from his employment at the School pending an investigation. A disciplinary hearing was later held on 25 February 2021.

On 26 August 2021, Mr Beckerson was convicted at West Yorkshire Magistrates’ Court.

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:

1. On or around 26 August 2021, you were convicted of:

a. Three counts of possessing an indecent photograph or pseudo photograph of a child;

This allegation was admitted by Mr Beckerson and supported by evidence presented to the panel, notably the certificate of conviction. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction. The panel noted a significant number of images were found: 875 Category A images; 602 Category B images; and 2,370 Category C images.

This allegation was found proved.

b. Three counts of making an indecent photograph or pseudo photograph of a child

This allegation was admitted by Mr Beckerson and supported by evidence presented to the panel, notably the certificate of conviction. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction. The panel noted in particular the police and court documents which

confirmed that 9 images had been electronically modified by Mr Beckerson.
(REDACTED).

This allegation was therefore found proved.

c. possessing prohibited images of children

This allegation was admitted by Mr Beckerson and supported by evidence presented to the panel, notably the certificate of conviction. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction. The panel noted 277 prohibited images had been recovered by the police investigation. This allegation was therefore found proved.

d. possessing extreme pornographic images of an act of intercourse/oral sex with a dead/alive animal

This allegation was admitted by Mr Beckerson and supported by evidence presented to the panel, notably the certificate of conviction. The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction. There was one image of bestiality. This allegation was therefore found proved.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Mr Beckerson, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Beckerson 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
 - 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, 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 Beckerson's actions were relevant to teaching, working with children and/or working in an education setting.

The panel noted that the behaviour involved in committing the offences would have been likely to have had an impact on the safety and/or security 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 Beckerson's behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if he was allowed to continue teaching.

The panel noted that Mr Beckerson's behaviour ultimately led to a sentence of imprisonment, 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 considered there were a number of factors which increased the gravity of the offence, which aligned with the sentencing remarks. In particular, the panel noted: the gross breach of trust that Mr Beckerson's conviction represents, specifically that (REDACTED); the high volume of images; and the lengthy period over which the images had been downloaded, and then subsequently viewed by Mr Beckerson in hard copy. Mr Beckerson sought employment as a teacher to gain access to children.

No mitigation evidence was provided to the panel.

The panel therefore considered that Mr Beckerson's convictions were relevant offences.

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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Beckerson, 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 a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils; the 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 panel's findings against Mr Beckerson which involved convictions relating to possessing and making indecent photographs of children, and possessing other prohibited images of children and extreme pornography, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils. This was particularly relevant noting that Mr Beckerson had admitted entering the profession in order to have access to children, (REDACTED).

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Beckerson was not treated with the utmost seriousness when regulating the conduct of the profession. The convictions relate to serious offences which the public would regard as incompatible with being a teacher.

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 Beckerson was outside that which could reasonably be tolerated, particularly noting the (REDACTED).

No evidence was presented to the panel regarding Mr Beckerson's abilities as an educator. However, the panel felt that the adverse public interest considerations above would outweigh any interest in retaining Mr Beckerson in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher and because he sought to exploit his position of trust.

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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- sexual misconduct, for example, 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;
- 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);
- violation of the rights of pupils;
- sustained or serious bullying (including cyberbullying), or other deliberate behaviour that undermines pupils, the profession, the school or colleagues; and
- a deep-seated attitude that leads to harmful behaviour.

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 whether there were mitigating circumstances.

There was no evidence that Mr Beckerson’s actions were not deliberate. Mr Beckerson had accessed indecent images since approximately 2004 and continued to look at those images until his dismissal. Furthermore, (REDACTED) demonstrated deliberate and calculated actions.

There was no evidence that Mr Beckerson was acting under duress, and there was no evidence relating to Mr Beckerson’s record as a teacher.

The panel did note the presenting officer’s submissions in respect of Mr Beckerson’s insight into his offending, through his admissions prior to the hearing and his guilty pleas on conviction. Whilst the panel accepted that Mr Beckerson did have a level of insight into his actions, the seriousness of his offending posed an ongoing risk.

Proportionality

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 Beckerson 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 Beckerson. His gross abuse of trust, lengthy period of offending, volume of images that were found and the young age of the victims, were significant factors in forming that opinion. 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. Such cases include sexual misconduct involving a child; and activities 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. Mr Beckerson was convicted of numerous counts of possessing and making indecent images of children, which clearly relates to the above advice that no review period should be provided.

Although the panel acknowledged Mr Beckerson's insight into his actions, the panel considered that Mr Beckerson had entered the profession with the knowledge of his sexual interest in children, and he used his position as a teacher (REDACTED). The panel felt there would be a risk of repetition should Mr Beckerson be allowed to return to teaching, and this would unacceptably compromise the safety of children.

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 Beckerson should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Beckerson 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
 - 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, 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 considered the conduct of Mr Beckerson taking account of the Advice and found the following relevant "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)".

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

The findings of misconduct are particularly serious as they include convictions relating to possessing and making indecent photographs of children and possessing other prohibited images of children and extreme pornography.

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 Beckerson, 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, "In the light of the panel's findings against Mr Beckerson which involved convictions relating to possessing and making indecent photographs of children, and possessing other prohibited images of children and extreme pornography, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils. (REDACTED)" 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 did note the presenting officer's submissions in respect of Mr Beckerson's insight into his offending, through his admissions prior to the hearing and his guilty pleas on conviction. Whilst the panel accepted that Mr Beckerson did have a level of insight into his actions, the seriousness of his offending posed an ongoing risk." 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 also took account of the way the teaching profession is viewed by others. The panel considered that Mr Beckerson's behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if he was allowed to continue teaching." I am particularly mindful of the finding of convictions for possessing indecent images of children 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 a relevant offence, 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 Beckerson himself and the panel comment “No evidence was presented to the panel regarding Mr Beckerson’s abilities as an educator. However, the panel felt that the adverse public interest considerations above would outweigh any interest in retaining Mr Beckerson in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher and because he sought to exploit his position of trust.”

A prohibition order would prevent Mr Beckerson 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 insight or remorse. The panel has said, “Although the panel acknowledged Mr Beckerson’s insight into his actions, the panel considered that Mr Beckerson had entered the profession with the knowledge of his sexual interest in children, (REDACTED), for his own sexual gratification. The panel felt there would be a risk of repetition should Mr Beckerson be allowed to return to teaching, and this would unacceptably compromise the safety of children.”

I have also placed considerable weight on the finding “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 Beckerson. His gross abuse of trust, lengthy period of offending, volume of images that were found and (REDACTED), were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Beckerson 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 serious circumstances in this case, 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. Mr Beckerson admitted entering the profession to have access to children, and then abused his position of trust and (REDACTED) for his own sexual gratification, behaviour in my view that is incompatible with the teaching profession.

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 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. Such cases include sexual

misconduct involving a child; and activities 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. Mr Beckerson was convicted of numerous counts of possessing and making indecent images of children, which clearly relates to the above advice that no review period should be provided.”

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 of the findings and the risk of repetition.

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 Simon Beckerson 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 Beckerson 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 Beckerson 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 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 22 November 2023

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