



Teaching
Regulation
Agency

Mr Austin Betts: Professional conduct panel meeting outcome

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

December 2023

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

Teacher:	Mr Austin Betts
Teacher ref number:	1159548
Teacher date of birth:	22 December 1989
TRA reference:	20156
Date of determination:	19 December 2023
Former employer:	Woodlands School, Basildon, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 December 2023 virtually to consider the case of Mr Betts.

The panel members were Dr Martin Coles (Chair – former teacher panellist), Mrs Sharon Bhogal (teacher panellist) and Mr John Abramson (lay panellist).

The legal adviser to the panel was Mr Harry Taylor of Eversheds Sutherland (International) 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 Betts that the allegations be considered without a hearing. Mr Betts 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 Kiera Riddy of Browne Jacobson LLP or Mr Betts.

Allegations

The panel considered the allegation(s) set out in the notice of meeting dated 9 October 2023.

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

1. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of two offences of making indecent photograph or pseudo-photograph of children on 6 April 2014 to 2 July 2021 contrary to Protection of Children Act 1978 s.1(a); and
2. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of making indecent photograph or pseudo-photograph of children on 4 May 2013 to 3 July 2021 contrary to Protection of Children Act 1978 s.1(a); and
3. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of two offences of distributing indecent photographs or pseudo-photographs of children on 13 June 2021 to 3 July 2021 contrary to Protection of Children Act 1978 s.1; and
4. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of possession of extreme pornographic images of intercourse/oral sex with dead/alive animal on 9 July 2021 contrary to the Criminal Justice and Immigration Act 2008 s.63 (1)(7)(d).

Mr Betts admitted the allegations and the facts which related to them, in addition to having been convicted of a relevant offence. The panel noted that Mr Betts was sentenced on 12 July 2022.

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: Notice of Referral & Response – pages 4 to 28a (the two-page Notice of Meeting was provided as an unpaginated addendum but is listed in the index as page 28; the panel have treated this as pages 28 and 28a for clarity)

Section 2: Statement of Agreed Facts and Presenting Officer Representations – pages 29 to 34

Section 3: TRA Documents – pages 36 to 58

Correspondence with Mr Betts – pages 60 to 71

Section 4: Teacher documents – pages 73 to 109

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 Betts on 14 August 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 Betts 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 Betts was employed at Woodlands School (“the School”) from 1 September 2016 until on or around 12 July 2021, following his suspension. On 9 July 2021 the School received notification that Mr Betts had been arrested. On 24 May 2022 Mr Betts was convicted of the offences referred to within this decision and on 12 July 2022 Mr Betts was sentenced regarding the offences.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of two offences of making indecent photograph or pseudo-photograph of children on 6 April 2014 to 2 July 2021 contrary to Protection of Children Act 1978 s.1(a); and**
- 2. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of making indecent photograph or pseudo-photograph of children on 4 May 2013 to 3 July 2021 contrary to Protection of children Act 1978 s.1(a); and**

- 3. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of two offences of distributing indecent photographs or pseudo-photographs of children on 13 June 2021 to 3 July 2021 contrary to Protection of Children Act 1978 s.1; and**
- 4. On or around 24 May 2022 at South Essex Magistrates Court he was convicted of possession of extreme pornographic images of intercourse/oral sex with dead/alive animal on 9 July 2021 contrary to the Criminal Justice and Immigration Act 2008 s.63 (1)(7)(d).**

The allegations were admitted and were supported by evidence presented to the panel within the bundle. The allegations were, therefore, found proven. In particular, the panel had regard to the certificate of conviction within the bundle, which provided conclusive evidence of both the conviction and the facts necessarily implied by the conviction.

In the statement of agreed facts, Mr Betts accepted that he made and distributed indecent photographs or pseudo-photographs of children between 4 May 2013 and 3 July 2021 and that he possessed extreme pornographic images of intercourse/oral sex with dead/alive animal(s) on 9 July 2021.

The statement of agreed facts refers to the sentencing remarks of [REDACTED], which clarified that Mr Betts had distributed 23 category A images and 3 category B images. On 12 July 2022 Mr Betts was sentenced to a total of 20 months imprisonment suspended for 18 months, a sexual harm prevention order for a period of 10 years and an order placing him on the [REDACTED].

For the reasons above, the panel found each allegation proved.

Findings as to conviction of a relevant offence

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

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 Betts, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Betts 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- 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/or working in an education setting. Allegations 1-3 relate to indecent images of children, which the panel find is directly relevant to considering Mr Betts' actions.

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 Betts' behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if Mr Betts was allowed to continue teaching.

The panel noted that Mr Betts' 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".

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 noted that the Advice is not intended to be exhaustive and there may be other offences that panels consider to be "a relevant offence". In respect of allegation 4, the panel considered that this also amounts to "a relevant offence". In reaching this conclusion, the panel had regard to the non-exhaustive examples of those offences that are likely to, and are not likely to, amount to "a relevant offence", in paragraph 34 of the Advice. The panel considered that the offence at allegation 4 is more than a minor offence and, in the panel's opinion, more properly falls within the intention of the non-exhaustive list of likely relevant offences.

The panel took into account the mitigation evidence Mr Betts had provided, including letters from himself, [REDACTED] as to his character, and evidence of Mr Betts' teaching ability, which are found at Section 4. The panel also took into consideration Mr Betts' account of the [REDACTED] he described that he was [REDACTED].

Although the panel found that the evidence of Mr Betts' teaching proficiency was of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Betts' fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of relevant offences, 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 Betts 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. Having done so, the panel 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; declaring and upholding proper standards of conduct; the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Betts, which involved convictions of offences relating to making and distributing indecent images of children and possessing extreme pornographic images of intercourse/oral sex with dead/alive animals, there was a strong public interest consideration in relation to each allegation, given the nature of the convictions.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the panel's findings that Mr Betts made and distributed indecent images of children and possessed extreme pornographic material involving animals.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Betts 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 Betts was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Betts had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Betts in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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 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 of the Advice. 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 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)
- a deep-seated attitude that leads to harmful behaviour.

Even though 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.

In light of the panel's findings, it concluded that Mr Betts' actions were deliberate.

There was no evidence to suggest that Mr Betts was acting under extreme duress, e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Betts' actions to be calculated and motivated.

Mr Betts provided evidence that appeared, on the face of it, to suggest that he did have a previously good history and was capable in his role as teacher. However, the panel was not satisfied that the evidence available to it indicated exceptionally high standards of teaching, nor did it demonstrate that Mr Betts had contributed significantly to the education sector.

The panel also considered the level of insight or remorse demonstrated within the evidence available to it. In the panel's view, based on the evidence available to it, Mr Betts had shown some remorse for his actions but this was limited and did not indicate a high level of insight. There was little indication from Mr Betts directly that he demonstrated empathetic identification with the perspective of others, for example the victims of his crimes, professional colleagues and members of the public.

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 Betts 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 Betts. The gravity and nature of the offences committed by Mr Betts 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. One of these cases includes 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 that Mr Betts was convicted of making and distributing indecent images of children, which is a serious departure from the personal and professional conduct elements of the Teachers'

Standards; is a serious criminal offence; and is a failure in his duty of care towards a child (contrary to Part 1 of KCSIE).

As set out above, the panel also considered the level of insight or remorse demonstrated within the evidence available to it. In the panel's view, Mr Betts had shown some remorse for his actions but this was limited and did not indicate a high level of insight. There was little indication from Mr Betts directly that he demonstrated empathetic identification with the perspective of others, for example the victims of his crimes, professional colleagues and members of the public.

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

In particular, the panel has found that Mr Betts 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- 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 Betts involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education.

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

The findings of misconduct are particularly serious as they include a finding of a relevant conviction for making and distributing indecent images of children, as well as images of bestiality, which resulted in a sentence of imprisonment (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 Betts, 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, "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." 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, "The panel also considered the level of insight or remorse demonstrated within the evidence available to it. In the panel's view, based on the evidence available to it, Mr Betts had shown some remorse for his actions but this was limited and did not indicate a high level of insight. There was little indication from Mr Betts directly that he demonstrated empathetic identification with the perspective of others, for example the victims of his crimes, professional colleagues and members of the public." In my judgement, the lack of evidence of full insight and 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, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Betts' behaviour in committing the offences would be likely to affect public confidence in the teaching profession, if Mr Betts was allowed to continue teaching." I am particularly mindful of the finding of a relevant conviction for making and distributing indecent images of children in this case and the very serious negative impact that this may have on the public's perception of the teaching 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 Betts himself. The panel note that "Mr Betts provided evidence that appeared, on the face of it, to suggest that he did have a previously good history and was capable in his role as teacher. However, the panel was not satisfied that the evidence available to it indicated exceptionally high standards of teaching, nor did it demonstrate that Mr Betts had contributed significantly to the education sector."

A prohibition order would prevent Mr Betts 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 very serious nature of the panel's findings, as well as its comments concerning the lack of insight or remorse.

I have given less weight in my consideration of sanction therefore to the contribution that Mr Betts has made to the profession. In my view, it is necessary to impose a prohibition order to maintain public confidence in the profession. A published decision, in light of the 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.

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

In doing so, the panel has referred to 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. One of these cases includes 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.

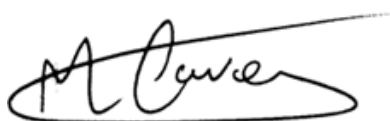
I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the panel's findings, including as they do that of a relevant conviction for making and distributing indecent images of children and other proscribed images, and the lack of evidence of full insight and remorse.

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 Austin Betts 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 Betts 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 Austin Betts 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 simple, hand-drawn oval border.

Decision maker: Marc Cavey

Date: 21 December 2023

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