



Teaching
Regulation
Agency

Mr Lloyd Littlewood: Professional conduct panel outcome

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

February 2024

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

Teacher: Mr Lloyd Littlewood

TRA reference: 19198

Date of determination: 9 February 2024

Former employer: Beaconsfield High School, Buckinghamshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 8-9 February 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Lloyd Littlewood.

The panel members were Ms Susanne Staab (teacher panellist – in the chair), Mr Paul Burton (lay panellist) and Ms Lynsey Draycott (teacher panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Thomas Sherrington of St John’s Buildings.

Mr Lloyd Littlewood was present and was represented by James Lloyd of Mountford Chambers

The hearing took place in public and was recorded. Some issues were dealt with in private session [REDACTED].

Allegations

The panel considered the allegations set out in the notice of proceedings dated 22 September 2023

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

1. On or around 7 May 2019, you downloaded and/or received and/or viewed one or more indecent images of children;
2. On or around 7 May 2019, you distributed one or more indecent images of children;
3. Your conduct as may be found proven at Allegation 1 and/or 2 above was of a sexual nature and/or sexually motivated.

The allegations were not admitted by Mr Lloyd Littlewood. There was also no admission as to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Privacy

The panel considered an application from Mr Littlewood that the hearing should be held in part in private. The application was not opposed by the TRA. The panel heard submissions from Mr Littlewood's representative in relation to health and also personal matters that are intrinsically connected to the substance of the case. It also noted that, due to this, the private life of Mr Littlewood was directly engaged. The panel were mindful of the open justice principle and the need for any restriction on public access to proceedings to be necessary and proportionate. It however felt that in these circumstances, it could practically deal with these matters in private, due to the manner in which the sensitive matters were discussed throughout the case. It therefore decided that it was in the public interest to hear the case in public, save for the sensitive issues that were raised by Mr Littlewood's representative. It confirmed that it would give reasons in public.

Additional Documentation from the TRA

The panel also heard an application from the TRA to admit an additional document, a 20 page bundle containing a supplementary statement from Witness A and further investigative material. The application was not opposed. The panel heard and accepted the legal advice provided to it in relation to this. The panel decided to admit the document as they felt it was relevant to the issues it had to determine and therefore, in the interests of justice. They also felt that there were no new substantive evidence within the bundle. It acknowledged the potential for prejudice to Mr Littlewood, however it felt that the risk was minimal given how similar it was to pre-existing material.

Additional Documentation from Mr Littlewood

The panel also heard an application from the Mr Littlewood to admit an additional document, a 199 page bundle containing a supplementary statement from Mr Littlewood and further reference material. The TRA was neutral to the application. The panel heard and accepted the legal advice provided to it in relation to this. The panel decided to admit the document as they felt it was relevant to the issues it had to determine and therefore, in the interests of justice. It additionally noted that it did not introduce anything further. It felt there was little risk to prejudice, given the content and its minimal nature.

Amendment of Allegation

The panel heard an application from the TRA to remove wording from Allegation 1 which made reference to specific dates and to change it to “On dates unknown to 07 May 2019”. This was done to, amongst other things, prevent a defective allegation. The panel were conscious of the fact that per the TRA’s submission, the date of receipt of the alleged images, could not be identified, given the fact that the device was not searched until after the alleged uploading of the document as set out in Allegation 2. The application from the TRA was not opposed. Accordingly, the panel determined that as the amendment did not substantively alter the allegations, it could exercise its discretion and allow the amendment as appropriate. It felt that there was little to no risk of unfairness in relation to this amendment.

It therefore allowed the amendment and Allegation 1 is now constituted as “On dates unknown to 07 May 2019, you downloaded and/or received and/or viewed one or more indecent images of children;”

[REDACTED]

[REDACTED].

Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 5 to 11

Section 2: Teaching Regulation Agency witness statements – pages 13 to 42

Section 3: Teaching Regulation Agency documents – pages 44 to 157

Section 4: Teacher documents – pages 159 to 231

In addition, the panel agreed to accept the following:

Section 5: Additional material from the TRA – Pages 232 to 252

Section 6: Additional material from Mr Littlewood – Pages 253 to 452

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

Witnesses

The panel heard oral evidence from Witness A, [REDACTED] of the discontinued prosecution.

The panel also heard evidence from Mr Littlewood who gave evidence in relation to the allegations.

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 Littlewood was employed as a teacher by Beaconsfield High School, an all-girls school in Buckinghamshire. He was the head of the PE department and also a PE teacher.

Following an intelligence report from the National Crime Agency suggesting that his IP address had made an indecent image of a child available for distribution via the Kik app, Mr Littlewood was arrested on 29 February 2020 by Thames Valley Police. Mr Littlewood was interviewed by Witness A and another officer at the Maidenhead Custody Suite on 29 February 2020 where he maintained that he denied any knowledge of uploading any indecent image and that he had never seen any images that he knew to depict children. Following a forensic examination of the devices belonging to Mr Littlewood, it was determined that 3 Category C images were found on his device, though they were deemed inaccessible.

An initial referral was made by Witness B, [REDACTED] on 10 March 2020 confirming that due to Mr Littlewood's arrest for possession of Category C images, he had been dismissed from work.

Mr Littlewood was charged by the Crown Prosecution Service on 15 October 2021. The charges were:

1. Possession of an indecent photograph or pseudo-photograph of a child on 07/05/2019, contrary to s160 of the Criminal Justice Act 1988.
2. Distributing indecent photographs or pseudo-photographs of children on 17/05/2019, contrary to s1 of the Protection of Children Act 1978.

Mr Littlewood's solicitors, Holborn Adams, made written representations to the Crown Prosecution Service on 25 November 2021. [REDACTED]. The written representations also made direct reference to case law in relation to indecent images.

The Crown Prosecution Service discontinued the matter on 9 December 2021. The TRA then subsequently commenced their investigation.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

Allegation 1, in relation to downloading and receipt and, Allegation 3 in relation to sexual nature but not with regard to sexual motivation.

The panel found the following particulars not proved:

Allegation 2

The panel also found that these allegations amounted to both unacceptable professional conduct and conduct which may bring the profession into disrepute.

The allegations were considered as follows:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

- 1. From dates unknown to 7 May 2019, you downloaded and/or received and/or viewed one or more indecent images of children**

The panel heard directly from the TRA's presenting officer in relation to this allegation. It also heard submissions from Mr Littlewood's representative. It took careful consideration in relation to the terminology within the allegation and the meaning of the words "downloaded", "received" and "viewed". The panel also considered the evidence of the presence of indecent images first.

The panel found the evidence of Witness A persuasive in regard to the nature of the images. It was satisfied, that they met the definition of "indecent images of children", given Witness A's account that they fit the appropriate description. It also had regard to the relevant exhibits provided which further supported this definition. The panel had particular regard to the SFR/1 which, whilst they recognised was hearsay evidence within the context of these proceedings, was largely supported by the other evidence. It recognised that it was consistent throughout the evidence, that there were 3 identifiable category C images. It then turned to discuss the conduct.

The panel felt that there was significant evidence that the images had been downloaded. Within a simple meaning of this term, the presence of the images within the device as identified within the TRA's case, was sufficient to demonstrate that they had been downloaded. It also noted, that whilst Mr Littlewood denied sight of the files, his evidence

did not dismiss that in his own view that it was plausible that he had inadvertently downloaded the material. The panel had consideration for the definitions provided within the TRA's case and also during live evidence in relation to accessible and inaccessible images, however it felt that the question of whether the images themselves had been downloaded was on the balance of probabilities quite clear.

The panel also felt that for similar reasons, having come from an external source, it was more likely than not that the images had been received by Mr Littlewood, likely through the Kik app.

With regard to the issue of whether Mr Littlewood viewed the images, the panel again took care to consider the evidence presented by the TRA in relation to this. It formed the view that the TRA had not positively demonstrated that the images had been viewed by Mr Littlewood. It was conscious of the fact, that Mr Littlewood, during his live evidence, had discussed viewing a high volume of pornography and frequently swiping through it. However, given his categorical denial of observing this material, it felt that the TRA had not met the required standard of proof in relation to this allegation.

The panel felt that on the balance of probabilities that the images had been downloaded, and received by Mr Littlewood. It did not find, on balance of probabilities that he had actively viewed them.

It accordingly found Allegation 1 proven, in relation to the downloading and receiving of the indecent images.

2. On or around 7 May 2019, you distributed one or more indecent images of children

The panel took care to consider the evidence in relation to this allegation and again heard submissions from both parties. It noted at the beginning of its considerations, that this allegation was tied to the initial NCA intelligence report which had been relayed to the police. It however recognised that care must be adopted in relation to this allegation, given the mention of indecent images of children.

The panel noted that the investigation appeared to indicate that an indecent image had been distributed through the Kik app which had been identified by the NCA as an indecent image. It was somewhat concerned, that through his live evidence, Mr Littlewood gave evidence that he was part of a Kik group whereby he engaged in the uploading and sharing of images on a frequent basis. It felt that this act alone could amount to the definition of distribution. However, it was also aware of the fact that the burden was on the TRA to prove this particular allegation in its entirety.

It noted that through Witness A's evidence, and also, the SFR/1, no evidence was ever

found of Mr Littlewood distributing an indecent image. It also noted that the image that was referred to by the NCA in its initial intelligence report was never recovered.

Accordingly, it found Allegation 2 not proved.

3. Your conduct as may be found proven at Allegation 1 and/or 2 above was of a sexual nature and/or sexually motivated

Having found Allegation 1 proven in relation to both the downloading and receiving of 3 indecent images, the panel went on to consider whether the conduct was of a sexual nature and/or sexually motivated.

The panel considered the downloading and receipt in tandem. It felt that given that the indecent images themselves were inherently sexual, and were downloaded or received within the pursuit of accessing pornography, it was clear that the conduct was of a sexual nature.

The panel then went on to consider whether the conduct found proved within allegation 1 amounted to sexual motivation. It first recognised that there was no pursuit of a future sexual relationship that could be practically identified through the conduct. It then went on to consider whether the acts in question could be said to be sexually motivated. It formed the view that whilst the acquisition and consumption of pornography is typically associated with sexual gratification, it could not ignore the fact that the TRA had not demonstrated that Mr Littlewood had viewed the material. Accordingly, it could not identify how the specific acts of downloading and receiving the indecent images, which may have been inadvertent, could be sexually motivated.

Accordingly, it found Allegation 3 proved but only in relation to the question of whether the conduct was of a sexual nature.

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

Having found a number of 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 Littlewood, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Littlewood, 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

The panel also considered whether Mr Littlewood's conduct displayed behaviours associated with any of the offences listed on page 12 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that the offence of any 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 was relevant.

The panel was satisfied that the conduct of Mr Littlewood amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel noted that the allegations about Mr Littlewood took place outside the education setting. However, the panel was particularly concerned by the careless manner in which Mr Littlewood had accessed pornography, given his training with regard to safeguarding and child safety. It felt that there was an inherent risk in the manner in which the material was procured through the Kik app from strangers, and therefore could lead to pupils being exposed to behaviour that is harmful.

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

In relation to whether Mr Littlewood's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 that they behave.

The findings of misconduct are 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 Littlewood's actions constituted conduct that may bring the profession into disrepute.

The panel took into account the [REDACTED] and other evidence in relation to the difficult personal circumstances that Mr Littlewood faced during the time of the incidents. It also considered that he may not have been thinking clearly at the relevant time,

however it felt that his behaviour was such a departure from the expected standards of a teacher, and could have such an impact on the public perception of the teaching profession, that it did not undermine their finding of both unacceptable professional conduct and conduct that could bring the profession into disrepute.

Accordingly, having found allegation 1 and 3 proved, the panel further found that Mr Littlewood's conduct amounted to both unacceptable professional conduct and 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 punitive effect.

The public interest – general.

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 the protection of other members of the public, the maintenance of public confidence in the profession, and the declaring and upholding of proper standards of conduct.

In the light of the panel's findings against Mr Littlewood which involved the potentially inadvertent downloading and receiving of indecent sexual images of children there was a strong public interest consideration in the maintenance of public confidence in the profession. The panel also noted that the safeguarding and wellbeing of pupils and other members of the public was engaged as a public interest ground, given the nature of the material. Additionally, given the finding of unacceptable professional conduct, it was clear that the declaring and upholding proper standards of conduct is engaged.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Littlewood in the profession. It felt that given no doubt was made upon his outstanding abilities as an educator, and his excellent record as a teacher, he is able to make a valuable contribution to the profession, and therefore there could be some public interest in him remaining within the teaching profession.

Proportionality

In view of 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 Littlewood.

The Advice

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 Littlewood. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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;

Mitigation – as per the list in the Teacher Misconduct – The Prohibition of Teachers Advice

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 accepted Mr Littlewood's evidence that his actions were not deliberate. It did not feel that the TRA had positively demonstrated that he had acted in a deliberate manner. There was no evidence to suggest that Mr Littlewood was acting under duress, however the panel felt it could not positively assert that he acted intentionally. The panel noted that as he faced serious personal difficulties at the time, Mr Littlewood's judgment was significantly impaired. [REDACTED].

The panel felt that Mr Littlewood had acted out of character. It considered that there was a particularly low risk of repetition, and also that he had not demonstrated any current attitudinal issues. It also felt that he was clearly passionate about the teaching profession.

The panel also saw evidence that Mr Littlewood was of good character and had not been subject to any previous regulatory or criminal findings. It also noted that he provided nine character references which spoke to both his nature, and to his capabilities as an educator.

The panel also noted that significant time had passed since the behaviour occurred and that there had been clear positive steps taken by Mr Littlewood to address the issues which led to these findings. It also recognised that he had engaged the utility of accountability software, that his life had moved on significantly, and also that he had undertaken significant counselling.

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.

[REDACTED].

When taking all of these factors into account, the panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an 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 had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (including Allegation 2). I have therefore put those matters entirely from my mind.

The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Lloyd Littlewood 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

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

The findings of misconduct are serious as they include a finding of downloading and receiving indecent images 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 unacceptable professional conduct and conduct likely to 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 Littlewood, 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. Although the panel has observed that the allegations took place outside an education setting, the panel “was particularly concerned by the careless manner in which Mr Littlewood had accessed pornography, given his training with regard to safeguarding and child safety. It felt that there was an inherent risk in the manner in which the material was procured through the Kik app from strangers, and therefore could lead to pupils being exposed to behaviour that is harmful.” 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 has set out as follows, “The panel also noted that significant time had passed since the behaviour occurred and that there had been clear positive steps taken by Mr Littlewood to address the issues which led to these findings. It also recognised that he had engaged the utility of accountability software, that his life had moved on significantly, and also that he had undertaken significant counselling.” 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 has observed, “The findings of misconduct are 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.” I am particularly mindful of the finding of downloading and receiving 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 unacceptable professional conduct and conduct likely to bring the profession into disrepute, 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 Littlewood himself. The panel has commented, “It felt that given no doubt was made upon his outstanding abilities as an educator, and his excellent record as a teacher, he is able to make a valuable contribution to the profession, and therefore there could be some public interest in him remaining within the teaching profession.” The panel has also commented, “The panel also saw evidence that Mr Littlewood was of good character and had not been subject to any previous regulatory or criminal findings. It also noted that he provided nine character references which spoke to both his nature, and to his capabilities as an educator.”

A prohibition order would prevent Mr Littlewood from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the mitigating factors. The panel has said, “The panel accepted Mr Littlewood’s evidence that his actions were not deliberate. It did not feel that the TRA had positively demonstrated that he had acted in a deliberate manner. There was no evidence to suggest that Mr Littlewood was acting under duress, however the panel felt it could not positively assert that he acted intentionally. The panel noted that as he faced serious personal difficulties at the time, Mr Littlewood’s judgment was significantly impaired. [REDACTED].”

I have also placed considerable weight on the findings of the panel about the risk of repetition and the positive steps Mr Littlewood has taken to address the issues which led to the panel’s findings. The panel has commented, “It considered that there was a particularly low risk of repetition, and also that he had not demonstrated any current attitudinal issues.” The mitigating factors that the panel has found were present has led it to recommend that a prohibition order would not be appropriate in this case.

I have also placed considerable weight on the panel's comments that there was a public interest in retaining Mr Littlewood in the profession and that he was clearly passionate about the teaching profession.

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 'D Oatley', written in a cursive style.

Decision maker: David Oatley

Date: 12 February 2024

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