



Teaching  
Regulation  
Agency

# **Mr Stuart Davies: 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**

<b>Teacher:</b>	Mr Stuart Davies
<b>Teacher ref number:</b>	2158721
<b>Teacher date of birth:</b>	22 October 1983
<b>TRA reference:</b>	20518
<b>Date of determination:</b>	29 February 2024
<b>Former employer:</b>	Beachborough School, Northamptonshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 February 2024 by way of a virtual hearing, to consider the case of Mr Stuart Davies.

The panel members were Mr Alan Wells (teacher panellist – in the chair), Ms Jan Stoddard (lay panellist) and Mrs Lynn Seal (teacher panellist).

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

The presenting officer for the TRA was Ms Natalia Constantine of 2 Harcourt Buildings.

Mr Stuart Davies 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 proceedings dated 19 December 2023

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

1. On 30 March 2023 you were convicted at Northampton Crown Court of the following relevant offences:

a) 3 offences of taking indecent photographs of a child or pseudo-photographs of children on 15/06/21 – 09/07/21 contrary to section 1 of the Protection of Children Act 1978

b) 3 offences of making indecent photograph or pseudo-photograph of children on 01/01/16 – 09/07/21 contrary to section 1(a) of the Protection of Children Act 1978

In the absence of a response from the Mr Davies, the allegations are not admitted.

## **Preliminary applications**

The panel considered an application from the TRA to proceed in the absence of Mr Stuart Davies. The Panel heard submissions from the presenting officer and also received the appropriate legal advice, which it accepted. It considered that it was satisfied that the TRA had taken all reasonable steps to communicate the hearing to Mr Davies. Additionally, it felt that it could not speculate on the benefit of any adjournment, given Mr Davies' non-engagement. The panel saw an email from Mr Davies to the TRA, indicating that he was wholly aware of these proceedings, it therefore felt satisfied that he had voluntarily waived his right to attend the hearing. It also noted that public interest concerns raised in this case and felt it should consider them as significant when weighed against any potential for prejudice against Mr Davies should it proceed in his absence. It therefore determined in all circumstances that it was appropriate to proceed without him.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised individual list – pages 3 to 4

Section 2: Notice of proceedings and response – pages 5 to 15

### Section 3: Teaching Regulation Agency documents – pages 16 to 101

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

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**

No witnesses were called by the TRA.

### **Decision and reasons**

The panel announced its decision and reasons as follows:

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

The TRA presented the Panel with a copy of a Certificate of Conviction, a sentencing transcript, a PNC document, the TRA referral form, in addition to several auxiliary documents that pertained directly to Mr Davies’ employment.

Mr Davies was employed by the School as a Peripatetic Musician on 1 September 2014. He was arrested by Northamptonshire Police on 8 July 2021, following an intelligence report indicating that photographs of children may have been uploaded to an online platform, Discord by him. Mr Davies was suspended by the school on 14 July 2021, following a police notification of the arrest on 9 July 2021. A TRA referral was raised by the school on 30 March 2022. On 30 March 2023, Mr Davies was convicted at Northampton Crown Court.

### **Findings of fact**

The findings of fact are as follows:

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

#### Allegation 1

The allegation was considered as follows:

**1. On 30 March 2023 you were convicted at Northampton Crown Court of the following relevant offences:**

**a) 3 offences of taking indecent photographs of a child or pseudo-photographs of children on 15/06/21 – 09/07/21 contrary to section 1 of the Protection of Children Act 1978**

**b) 3 offences of making indecent photograph or pseudo-photograph of children on 01/01/16 – 09/07/21 contrary to section 1(a) of the Protection of Children Act 1978**

The Panel heard submissions from the TRA presenting officer in relation to this. Given the inseparable nature of the sub-limbs, it took 1(a) and 1(b) into consideration at the same time. The panel noted that it had been provided with a signed Certificate of Conviction from the Crown Court at Northampton which confirmed that on 07 February 2023, Mr Davies was convicted on 3 counts of Taking an indecent photograph/pseudo-photograph of a child and 3 counts of Making an indecent photograph/pseudo-photograph of a child. Having received and accepted legal advice in relation to this, the panel was satisfied that it could take this certificate as conclusive evidence of the offences as detailed within the allegation.

Accordingly the panel found Allegation 1 proved.

### **Findings as to conviction of a relevant offence**

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to 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 Davies in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Davies 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 the behaviour involved in committing the offence could have had an impact on the safety and the security of pupils and members of the public.

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

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

This was a case concerning offences involving voyeurism (including upskirting) and 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, which the Advice states is likely to be considered a relevant offence.

The panel felt impeded with regard to their ability to consider any mitigating circumstances which may be present in case due to the lack of engagement by Mr Davies. It was unable to speculate or comment in relation to his proficiency as an educator. Regardless, it felt it clear that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Davies' ongoing suitability to teach.

The panel considered it was necessary to make a finding that this conviction was for a relevant offence. It felt the need to make such a finding in order to reaffirm clear standards of conduct, so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition

orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have 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, the protection of other members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

#### The public interest – specific

In the light of the panel's findings against Mr Davies which involved multiple offences relating to both the making and taking of indecent images of children as young as 9, there was a strong public interest consideration in relation to all of the public considerations referred to above.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of seriously inappropriate and sexual behaviour towards children.

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

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 Davies in the profession. The panel felt it had been presented no evidence to this effect and therefore it could not make such a finding.

#### 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 Davies.

#### 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 Davies. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- sexual misconduct, e.g. 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;

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.

In the light of the panel's findings :

There was no evidence that Mr Davies' actions were not deliberate.

There was no evidence to suggest that Mr Davies was acting under duress, and, in fact, the panel found Mr Davies actions to be calculated and motivated.

The panel found that Mr Davies was previously of good character in relation to criminal or regulatory proceedings.

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 Davies 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 Davies. The nature of the offences was a significant factor 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.

#### Review – general

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.

#### Review – specific

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These includes:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;
- 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;

These categories are patently evidenced by the findings of fact that were made. The indecent images offences, particularly as they engage children, are significant factors in favour of not offering a review.

The Advice also indicates that where a case involves certain other characteristics, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. However, none of the listed characteristics were engaged by the panel's findings.

The seriousness of these offences, and their inherent nature, means that the argument against a recommendation for a review period is heightened in these circumstances in the absence of any notable considerations to the contrary.

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

In particular, the panel has found that Mr Davies 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 was satisfied that the conduct of Mr Davies, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include multiple offences relating to both the making and taking of 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 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 Davies, 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/safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of seriously inappropriate and sexual behaviour towards children." A prohibition order would therefore prevent such a risk from being present in the future.

I have been unable to consider the level of insight or remorse shown, as there was no evidence or comment from the panel, although I understand Mr Davies did not engage with the proceedings.

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 Davies' behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community." I am particularly mindful of the finding involving indecent images of young 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 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 Davies himself and the panel comment “The panel found that Mr Davies was previously of good character in relation to criminal or regulatory proceedings.”

A prohibition order would prevent Mr Davies 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 mitigation. The panel has said, “The panel felt impeded with regard to their ability to consider any mitigating circumstances which may be present in case due to the lack of engagement by Mr Davies. It was unable to speculate or comment in relation to his proficiency as an educator. Regardless, it felt it clear that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Davies’ ongoing suitability to teach.”

I have also placed considerable weight on the finding of the panel “that In the light of the panel’s findings against Mr Davies which involved multiple offences relating to both the making and taking of indecent images of children as young as 9, there was a strong public interest consideration in relation to all of the public considerations referred to above.”

I have given considerable weight to the following “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 Davies in the profession. The panel felt it had been presented no evidence to this effect and therefore it could not make such a finding.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Davies has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by evidence of remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

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

I have considered the panel's comments "The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period." The panel has also said "These categories are patently evidenced by the findings of fact that were made. The indecent images offences, particularly as they engage children, are significant factors in favour of not offering a review."

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 involving multiple offences of making and/or taking indecent images of children and the lack of evidence of remorse or insight.

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 Stuart Davies 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 Davies 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 Stuart Davies has a right of appeal to 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 horizontal line extending to the left of the first letter.

**Decision maker: Sarah Buxcey**

**Date: 4 March 2024**

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