



Teaching
Regulation
Agency

Mr Paul Welch: Professional conduct panel outcome

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

July 2024

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

Teacher:	Mr Paul Welch
Teacher ref number:	0157451
Teacher date of birth:	2 May 1979
TRA reference:	19626
Date of determination:	19 July 2024
Former employer:	Gordano School, Bristol

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 18 to 19 July 2024 by way of a virtual hearing, to consider the case of Mr Paul Welch.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Paul Hawkins (lay panellist) and Ms Gill Lyon (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Charlotte Watts of Browne Jacobson LLP solicitors.

Mr Welch was present and was not represented.

The hearing took place in public (save for parts which were heard in private) and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 3 May 2024.

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

1. On 22 February 2022 at Bristol Crown Court, he was convicted of 3 counts of possessing an indecent photograph or pseudo-photograph of a child on dates between 03.06.2008 - 03.06.2020.

The panel noted that Mr Welch admitted the allegation, as set out in the response to the final notice of hearing dated 14 May 2024 and in the statement of agreed facts, signed by Mr Welch on 3 November 2022 and subsequently by the presenting officer on 9 November 2022.

Preliminary applications

The first application for the hearing to be heard in private

The panel considered a written application from Mr Welch dated 4 June 2024 for the whole hearing to proceed in private and to keep any identifying details following the outcome to a bare minimum.

First, the panel considered the application for the hearing to be heard in private.

The application was based on the impact on Mr Welch's [REDACTED]

Mr Welch, in his written application, explained that since he voluntarily attended the police station to report himself, [REDACTED]

In his application, Mr Welch also provided a letter from [REDACTED] a statement from [REDACTED] and an email from the [REDACTED] at Avon and Somerset Police.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have any objection to the application.

The panel was referred to paragraph 5.85 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 ("the Procedures") and paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012, which together indicate that a panel may exclude the public from a hearing, or any part of a hearing, where: (a) it appears to the panel to be in the interests of justice or in the public interest to do so; (b) the teacher requests that all or part of a hearing is heard in private and the panel does

not consider it to be contrary to the public interest to do so; and (c) it is necessary to protect the interests of children or vulnerable witnesses.

The panel understood there is a presumption that hearings will take place in public. The panel was referred to the case of ***R v Legal Aid Board Ex p. Kaim Todner [1999] QB 966*** which commented as follows in respect of the need for hearings to take place in public:

“It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public’s confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties’ or witnesses’ identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely”.

Further, the panel was referred to the case of ***Miller v General Medical Council [2013] EWHC 1934***, in which the High Court summarised the key principles for consideration as follows:

- *“A distinction is to be drawn between parties and witnesses and as to parties between those who initiate and those who defend proceedings;*
- *Generally parties and witnesses have to accept the risk of embarrassment and consequential loss and damage as a result of giving evidence at a public hearing because (a) the protection to which they are normally entitled is a judgment that refutes unfounded allegations and (b) any other approach results in an unacceptable inroad into the general principle. Subject to that:*
 - *A person who initiates proceedings will generally be taken to have accepted the public nature of the proceedings initiated;*
 - *A Defendant has not chosen to initiate proceedings that are normally conducted in public and so may have a greater legitimate interest in a claim to protection;*
 - *A witness with no interest in the proceedings has the strongest claim to protection “... if he or she will be prejudiced by publicity ...”;*
 - *Generally, where a party or witness seeks protection, the reasonableness of the claim for protection is important;*
 - *A party cannot be allowed to achieve anonymity by insisting upon it ... irrespective of whether the demand is reasonable. There must be some objective foundation for the claim which is being made.”*

In addition, the panel was referred to the case of ***Lu v Solicitors Regulation Authority [2022] EWHC 1729***, in which the High Court commented, on the subject of the hearing being held in private, *“It appears from the judgment that sitting in private was convenient rather than necessary”*.

Finally, the panel was referred to the right to a public hearing being subject to a number of provisos in section Article 6 of the European Convention on Human Rights, which states that: *“... Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”*

Whilst the panel was sympathetic to the possible impact on [REDACTED], it had no documentary evidence of the actual impact this matter has had on [REDACTED]

The panel considered that as Mr Welch had been convicted at a public hearing, and, therefore, the details of his conviction and the information contained within the sentencing report would already be public knowledge.

Furthermore, the panel was mindful that there is a public interest in professional conduct panel hearings being heard in public and a presumption that such hearings will be heard in public.

The panel was also mindful that the decision would be announced publicly even if all or part of the hearing were heard in private.

The panel considered whether this would impact Mr Welch’s ability to participate in the hearing. The panel also considered whether Mr Welch’s application was necessary in the interests of justice; in the public interest; or for the protection of the interests of children. The panel did not consider that it would be in the interests of justice or in the public interest for the entire hearing to be heard in private.

In light of the concern about the impact on Mr Welch’s ability to participate in the hearing, the panel went on to consider whether part of the hearing could be heard in private. The panel concluded that it was content that any areas relating to [REDACTED] could be heard in private, should there be a need to do so. The panel considered that these areas legitimately related to aspects of Mr Welch’s private life, and there was no contrary public interest in those areas being discussed in public.

The hearing was still being held in public, and these were discrete and limited areas that would not undermine the public's ability to otherwise understand the case. The panel, therefore, granted the application that [REDACTED] would be heard in private.

Application to anonymise the decision, including the name of a school and the name of the witnesses

The panel then considered Mr Welch's application to anonymise the details of the case and any identifying details, as set out in the written application from Mr Welch on 4 June 2024, referred to above.

The application was made for the same reasons as outlined above in the application above for the hearing to be heard in private; namely, the application was based on the impact on Mr Welch's [REDACTED]

The presenting officer confirmed that the TRA's position regarding the application was largely neutral.

The panel considered a letter from Mr Welch's [REDACTED] school, a statement from [REDACTED], and an email from Avon and Somerset Police.

The panel received legal advice and was referred to paragraph 5.88 of the Procedures which states that a panel may, if it considers it in the interest of justice, direct that:

- *“the name and identity of a school will not be disclosed during the professional conduct panel hearing or at all; and/or”*
- *“the name and identity of any individual referred to in the documents before a panel or who gives witness evidence will not be disclosed during the professional conduct panel hearing or at all; and/or”*
- *“any other details of the case will not be disclosed during the professional conduct panel hearing or at all.”*

The panel was referred to the case of ***Lu v Solicitors Regulation Authority [2022] EWHC 1729***, in which the High Court commented, in respect of anonymising the names of third parties, as follows:

“A common misconception is that if the identity of a person in legal proceedings is not directly relevant, there is no public interest in that person's name being known. The justice system thrives on fearless naming of people, whether bit part players or a protagonist.”

“Courts and tribunals should not be squeamish about naming innocent people caught up in the alleged wrongdoing of others. It is part of the price of open justice and there is no presumption that their privacy is more important than open justice.”

The panel considered Regulation 15, which requires the Secretary of State's final decision to be published on its website, which will include the teacher's name and

reasons for making the order, and that it is for the Secretary of State to decide what details are published and what is redacted.

The panel considered whether it would be appropriate to anonymise the School's name, or any individuals named in the bundle of documents either during the hearing, or in the decision. The panel considered whether this would be in line with the principles above, whether it was strictly necessary to do so and whether the application for privacy outweighed the principles of open justice.

The panel did not consider it was in the interest of justice for the name of the school, the name and identity of any individual named in the document or any other details of the case not to be disclosed during the conduct panel hearing or at all.

The panel considered it would be unlikely to name [REDACTED] as part of the decision.

Whilst the panel was sympathetic to [REDACTED], the application did not provide sufficient detail about the distress and harm [REDACTED]

As such, the panel did not consider that the application outweighed the principles of open justice.

The panel was also mindful that the allegation related to a conviction already in the public domain.

Therefore, the panel did not grant the application to anonymise the school's name or the identity of any individual, either from the decision or during the hearing. The panel also did not grant the application to anonymise any details of the case from the decision or the hearing.

The second application for the hearing to be heard in private

Later, on the first day of the hearing, Mr Welch sent an email to the TRA to request to go into private sitting for the character witness evidence of Witness A and made a further request for the panel not to refer to any details in the hearing which could impact his community or [REDACTED]

The panel invited Mr Welch to make a second application for the hearing to be heard in private as he was unrepresented. The panel heard oral submissions from Mr Welch on his further privacy application.

The panel invited the presenting officer to make submissions. However, the presenting officer chose not to give further submissions.

Mr Welch explained that he knew a member of the public who was observing the hearing, [REDACTED]

The panel asked Mr Welch whether [REDACTED] earlier that day. When questioned, Mr Welch acknowledged that nothing had changed in terms of [REDACTED] since the publicity around his conviction in 2022.

Whilst the panel accepted it would not have been pleasant for Mr Welch or [REDACTED] to have others discussing his conviction within the community, there was no evidence that there had been a specific threat to [REDACTED]

The panel found that the circumstances considered in the first application to hold the hearing in private had not changed, so the panel's decision remained the same as it was in the first application, as set out above.

Summary of evidence

Documents

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

- Section 1: Chronology – page 4
- Section 2: Notice of proceedings and response – pages 6 to 21
- Section 3: Statement of agreed facts – pages 23 to 28
- Section 4: TRA documents – pages 30 to 51
- Section 5: Teacher documents – pages 53 to 72

In advance of the hearing, the panel also received a bundle of documents, which included the Teacher's privacy application and the TRA response, which was 14 pages.

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

Witnesses

The TRA did not call any witnesses to attend the hearing.

The panel heard oral evidence from Mr Welch and the following witness by him:

- Witness A – [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 3 June 2020, Mr Welch telephoned Gordano School ('the School') and informed them that he had turned himself in to the police and asked for help as he had been accessing/viewing indecent images/videos of children. Mr Welch was immediately suspended from his role at the School and a disciplinary hearing took place on 8 October 2020.

On 22 February 2022, Mr Welch was convicted.

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:

- 1. On 22 February 2022 at Bristol Crown Court, you were convicted of 3 counts of possessing an indecent photograph or pseudo-photograph of a child on dates between 03.06.2008-03.06.2020.**

The panel considered the statement of agreed facts, signed by Mr Welch on 3 November 2022. In the statement of agreed facts, Mr Welch admitted allegation 1 and further admitted that the facts of the allegation amounted to a conviction of a relevant offence. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher Misconduct: the prohibition of teachers ('the Advice'), which states that where there has been a conviction, at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction unless exceptional circumstances apply. The panel did not find any exceptional circumstances applicable in this case.

The panel had been provided with a copy of the certificate of conviction from Bristol Crown Court, which detailed that Mr Welch had been convicted of 3 counts of possessing an indecent photograph or pseudo-photograph of a child. The panel noted that Mr Welch pleaded guilty to all offences.

In respect of the allegations, Mr Welch was sentenced to a sexual harm prevention order for a period of 5 years, 200 hours of unpaid work and a maximum of 35 days' concurrent rehabilitation activity. Mr Welch was also deprived of his property, the 2 laptops that had been seized, and was barred from working in regulated activity relating to children.

The panel considered allegation 1 to be a serious offence.

After examining the documents before the panel and the admissions in the signed statement of facts, the panel was satisfied that allegation 1 was proven.

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 considered the Advice.

This was a case concerning an offence involving 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 any such activity, including one-off incidents, which the Advice states are more likely to be considered a relevant offence.

The panel noted that Mr Welch's behaviour did not lead to a sentence of imprisonment but did lead to a Community Order for a duration of 2 years, and he was sentenced to a sexual harm prevention order for a period of 5 years, which was indicative of the seriousness of the offences.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Welch's ongoing suitability to teach. The panel found that these convictions were for relevant offences.

The panel concluded that it was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel was satisfied that Mr Welch's conduct, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Welch 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....

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel found that the behaviour involved in committing the offences 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 Welch's behaviour in committing these offences would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.

The presenting officer invited the panel to consider whether the allegation amounted to: conviction of a relevant offence; unacceptable professional conduct; and conduct that may bring the profession into disrepute.

The presenting officer submitted that, whilst the allegation required the panel to consider conviction of a relevant offence only, the wording of paragraph 21 of the Advice meant the panel could also determine whether there has been unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered the presenting officer's submissions in this regard but concluded that it should make a determination on the allegation alone. As the allegation did not make reference to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, the panel did not consider that it would be appropriate to make a finding in this regard.

Further, the panel noted that Mr Welch was unrepresented and that unacceptable professional conduct and/or conduct that may bring the profession into disrepute had not been previously put to him. Therefore, the panel concluded that it would not be fair or appropriate for it to consider whether the allegation amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and, accordingly, made no such determinations in this regard.

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.

The panel was aware that prohibition orders should not be given in order to be punitive or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Welch, which involved the conviction of a relevant offence, in that he had been convicted of three counts of possessing an indecent photograph or pseudo-photograph of a child, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

The panel did not feel that there was a particularly strong public interest consideration in retaining the teacher in the profession, although noted that no doubt had been cast upon his abilities as an educator.

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 Welch. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Welch. 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 proven. 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- 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 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 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.

There was no evidence to suggest that Mr Welch's actions were not deliberate. In particular, the panel considered there was a sustained period over which Mr Welch viewed the indecent photographs or pseudo-photographs of children.

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

The panel noted that there was no evidence that Mr Welch demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector, although, as before, the panel noted that Mr Welch had not otherwise had his teaching ability called into question.

The panel considered the level of insight and remorse that Mr Welch had for his actions.

The panel noted the written statement of Individual B, a [REDACTED] who has known Mr Welch for three years [REDACTED]. Individual B stated that Mr Welch has been very open about his actions and has exhibited regret, honesty, diligent self-examination, and reflection.

Individual B stated that Mr Welch's life has irrevocably changed due to his actions, but stated that he had carried himself with great grace through these changes, fully acknowledging that they have come about through his actions. He stated that Mr Welch

has carried out his court-ordered community service and has gone far beyond the obligatory actions to have a positive impact on those around him.

The panel considered the written statement from Witness A, [REDACTED] of Mr Welch, who stated that Mr Welch has been on a journey and understood his own behaviours and experiences that inform them. He stated that he wished that Mr Welch's levels of engagement "could be replicated in others to bring hope to many who are struggling with a [REDACTED]"

The panel considered the statement from Witness A, in which he stated that he understood that the nature of the images Mr Welch accessed were illegal but considered "*him to be of comparatively miniscule threat to the community; as someone where there is not evidence he would [REDACTED]*"

Witness A submitted that Mr Welch has a four-year track record of disciplined boundaries around what was previously hidden. He stated that Mr Welch's full engagement with the consequences of this restorative process over time has been punitive in many ways.

The panel considered the sentencing remarks submitted as part of the bundle, which highlighted the mitigation that was considered. In particular, it was noted that Mr Welch had turned himself in to the police station.

The panel noted the comments made by the Judge at the Bristol Crown Court during sentencing, that "*for every image you look at of an abused child, that child has been re-victimised*".

The panel noted that it was clear from the sentencing remarks and the statements of Individual B and Witness A that Mr Welch had considered the impact his actions had on himself and that he had reflected on his actions. However, the panel noted that there was an absence of reference to the impact Mr Welch's actions had on the children in the images in his evidence or in Mr Welch's written and oral statements. The panel were, therefore, of the view that Mr Welch had not shown appropriate remorse for his actions.

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 Welch 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

Welch. The panel considered the seriousness of the offences Mr Welch had been convicted of and that the offences involved children. The panel considered that the offences had taken place over a period of 12 years and involved a significant number of images. The panel noted 294 images were found, including Category A, B and C images, with Category A being the most serious. These factors were significant 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 for 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 behaviours that, if proven, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image or indecent pseudo-photograph or image of a child. The panel found that Mr Welch was responsible for three counts of possessing an indecent photograph or pseudo-photograph.

The Advice also indicates that there are behaviours that, if proven, would have greater relevance and weigh in favour of a longer review period. The panel did not find any of these behaviours relevant.

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

In particular, the panel has found that Mr Welch 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....
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Welch 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 possessing an indecent photograph or pseudo-photograph of a child.

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 Welch, 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, "In light of the panel's findings against Mr Welch, which involved the conviction of a relevant offence, in that he had been convicted of three counts of possessing an indecent photograph or pseudo-photograph of a child, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other 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 the panel sets out as follows, "The panel noted that it was clear from the sentencing remarks

and the statements of Individual B and Witness A that Mr Welch had considered the impact his actions had on himself and that he had reflected on his actions. However, the panel noted that there was an absence of reference to the impact Mr Welch's actions had on the children in the images in his evidence or in Mr Welch's written and oral statements. The panel were, therefore, of the view that Mr Welch had not shown appropriate remorse for his actions." In my judgement, the lack of full 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 Welch's behaviour in committing these offences would undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children." I am particularly mindful of the finding of a conviction for possession of 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 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 Welch himself and the panel comment "The panel noted that there was no evidence that Mr Welch demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector, although, as before, the panel noted that Mr Welch had not otherwise had his teaching ability called into question."

A prohibition order would prevent Mr Welch 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 "There was no evidence to suggest that Mr Welch's actions were not deliberate. In particular, the panel considered there was a sustained period over which Mr Welch viewed the indecent

photographs or pseudo-photographs of children.” And “There was no evidence to suggest that Mr Welch was acting under extreme duress, and, in fact, the panel found Mr Welch’s actions to be calculated and motivated.”

I have also placed considerable weight on the finding “The panel considered the seriousness of the offences Mr Welch had been convicted of and that the offences involved children. The panel considered that the offences had taken place over a period of 12 years and involved a significant number of images. The panel noted 294 images were found, including Category A, B and C images, with Category A being the most serious.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Welch 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 full remorse, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image or indecent pseudo-photograph or image of a child. The panel found that Mr Welch was responsible for three counts of possessing an indecent photograph or pseudo-photograph.”

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 lack of full 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 Paul Welch 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 Welch 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 Welch 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, cursive script.

Decision maker: Sarah Buxcey

Date: 24 July 2024

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