



Teaching
Regulation
Agency

Mr Liam Radcliffe: Professional conduct panel meeting outcome

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

August 2024

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

Teacher: Mr Liam Radcliffe

Teacher ref number: 1339022

Teacher date of birth: 21 October 1986

TRA reference: 21137

Date of determination: 9 August 2024

Former employer: Whitcliffe Mount School, West Yorkshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 9 August 2024 by way of a virtual meeting, to consider the case of Mr Liam Radcliffe.

The panel members were Dr Martin Coles (former teacher panellist – in the chair), Ms Jan Stoddard (lay panellist) and Mrs Joanne Arscott (teacher panellist).

The legal adviser to the panel was Ms Lara Small of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Radcliffe that the allegations be considered without a hearing. Mr Radcliffe provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Cyale Bennett, or Mr Radcliffe.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 3 June 2024.

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

1. On or around 6 January 2023, Mr Radcliffe was convicted at West Yorkshire Magistrates for the offence of:
 - a. Possessing an indecent photograph or pseudo-photograph of a child on 10/05/22, contrary to the Criminal Justice Act 1988 s.160.
 - b. Possession of extreme pornographic images – of intercourse/oral sex with dead/alive animal on 10/05/22, contrary to the Criminal Justice and Immigration Act 2008 s.63(1)(7)(d).

The panel noted that Mr Radcliffe admitted allegations 1a. and 1b. as set out in the statement of agreed facts, signed by Mr Radcliffe on the 16 April 2024.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Notice of referral, response and notice of meeting – pages 4 to 19
- Section 2: Statement of agreed facts and presenting officer representations – pages 21 to 29
- Section 3: Teaching Regulation Agency documents – pages 31 to 113

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Radcliffe on 16 April 2024, and subsequently signed by the presenting officer on 17 April 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Radcliffe for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

On the 1 January 2019, Mr Radcliffe commenced employment at Whitcliffe Mount School ('the School').

Between the 5 and 6 January 2022, West Yorkshire police received information as part of another investigation, relating to a WhatsApp conversation wherein Mr Radcliffe had requested and received indecent images of children.

On the 11 May 2022, Mr Radcliffe was arrested.

On the 6 January 2023, Mr Radcliffe was convicted of possessing an indecent photograph or pseudo-photograph of a child and possession of extreme pornographic images of intercourse/oral sex with dead/alive animal.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 6 January 2023, Mr Radcliffe was convicted at West Yorkshire Magistrates for the offence of:**
 - a. Possessing an indecent photograph or pseudo-photograph of a child on 10/05/22, contrary to the Criminal Justice Act 1988 s.160.**
 - b. Possession of extreme pornographic images – of intercourse/oral sex with dead/alive animal on 10/05/22, contrary to the Criminal Justice and Immigration Act 2008 s.63(1)(7)(d).**

The panel considered the statement of agreed facts, signed by Mr Radcliffe on the 16 April 2024. In this statement of agreed facts, Mr Radcliffe admitted allegations 1a. and 1b. 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 Leeds Magistrates' Court, which detailed that Mr Radcliffe had been convicted of possessing an indecent photograph/pseudo-photograph of a child and possessing extreme pornographic image/images portraying an act of intercourse/ oral sex with a dead/ alive animal.

In respect of both allegation 1a. and allegation 1b, Mr Radcliffe was sentenced to 100 hours unpaid work; forfeiture of APF 1 AND APF 5; 30 days rehabilitation; a 24 week custodial sentence suspended for 24 months, a requirement to register with the police for 7 years and subject to a sex offenders notice.

The panel considered the allegations to be serious offences.

After examining the documents before the panel and the admissions in the signed statement of agreed facts, the panel was satisfied that allegations 1a and 1b were proven.

Findings as to conviction of a relevant offence

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach 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 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 Radcliffe's behaviour in committing these offences could 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. By virtue of his position as an Assistant Headteacher and a [REDACTED], Mr Radcliffe was in a position of trust and responsibility and his behaviour was inconsistent with his positions.

The panel noted that Radcliffe's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed. The panel noted that paragraph 33 on page 12 of the Advice states that it is likely that a conviction of any offence that led to a term of imprisonment, including any suspended sentence will be considered a relevant offence.

This was a case involving an offence of 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 on page 12 is more likely to be considered a relevant offence.

The panel therefore unanimously determined that the proved allegations amounted to conviction of a relevant offence.

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 panel had regard to the particular public interest considerations set out in the Advice on page 14 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; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Radcliffe, which involved possessing an indecent photograph/ pseudo-photograph of a child and possessing extreme pornographic images of intercourse/oral sex with dead/alive animal, 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 could be seriously weakened if conduct such as that found against Mr Radcliffe were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Radcliffe was outside that which could reasonably be tolerated.

The panel decided that there was not a strong public interest consideration in retaining the teacher in the profession, since the panel had not seen any particular evidence regarding his abilities as an educator and/or his ability to make a valuable contribution to the profession.

Notwithstanding 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 Radcliffe. 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 Radcliffe. The panel took further account of the Advice (pages 15-17), 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 are relevant in this case are:

- 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; 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 such activity, including one-off incidents.

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 Radcliffe's actions were not deliberate.

There was no evidence to suggest that Mr Radcliffe was acting under extreme duress.

The panel noted that although Mr Radcliffe had been promoted to an Assistant Headteacher position, there was no further evidence that Mr Radcliffe demonstrated exceptionally high standards in both personal and professional conduct or had contributed significantly to the education sector.

The panel noted that Mr Radcliffe had accepted responsibility for his actions and had co-operated with the Teaching Regulation Agency, as noted in the Presenting Officer's representations. However, the panel was not provided with any evidence of insight and/or remorse on the part of Mr Radcliffe.

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 was sufficient would

unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Radcliffe 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 Radcliffe. 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 to recommend that a review period of the order should be considered. 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 on page 19 that there are behaviours that, if proved, would weigh in favour of not offering 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 Radcliffe was guilty of the offence of possessing an indecent photograph/pseudo-photograph of a child and possessing extreme pornographic images of intercourse/oral sex with dead/alive animal, and therefore this behaviour has been proven.

The Advice also indicates at page 20 that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found none of these behaviours to be 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 Liam Radcliffe should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Radcliffe is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach 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 finds that the conduct of Mr Radcliffe fell significantly short of the standards expected of the profession.

The findings of misconduct are very serious as they include a relevant conviction for possession of an indecent photograph or pseudo-photograph of a child and extreme pornographic images resulting in a custodial sentence (albeit suspended).

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Radcliffe, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that:

“In the light of the panel’s findings against Mr Radcliffe, which involved possessing an indecent photograph/ pseudo-photograph of a child and possessing extreme pornographic images of intercourse/oral sex with dead/alive animal, 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 it sets out as follows, “The panel noted that Mr Radcliffe had accepted responsibility for his actions and had co-operated with the Teaching Regulation Agency, as noted in the Presenting Officer’s representations. However, the panel was not provided with any evidence of insight and/or remorse on the part of Mr Radcliffe.” In my judgement, the lack of evidence of full insight on Mr Radcliffe’s part 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 observes that:

“The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Radcliffe’s behaviour in committing these offences could 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. By virtue of his position as an Assistant Headteacher and a [REDACTED], Mr Radcliffe was in a position of trust and responsibility and his behaviour was inconsistent with his positions.”

I am particularly mindful of the very serious nature of the findings in this case and the negative impact that such findings are likely to have 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 Radcliffe himself. The panel records that it "...decided that there was not a strong public interest consideration in retaining the teacher in the profession, since the panel had not seen any particular evidence regarding his abilities as an educator and/or his ability to make a valuable contribution to the profession."

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

In this case, I have placed considerable weight on the very serious nature of the panel's findings, including that Mr Radcliffe had been convicted of being possession of an indecent photograph or pseudo-photograph of a child. I have also given weight to the lack of evidence presented to the panel that Mr Radcliffe has attained full insight into and remorse for his actions.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Radcliffe 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, 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 on page 19 that there are behaviours that, if proved, would weigh in favour of not offering 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 Radcliffe was guilty of the offence of possessing an indecent photograph/ pseudo-photograph of a child and possessing extreme pornographic images of intercourse/oral sex with dead/alive animal, and therefore this behaviour has been proven."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence

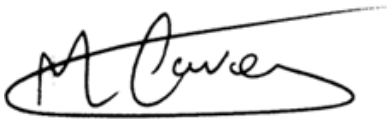
in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, as well as the lack of evidence of either insight or remorse

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 Liam Radcliffe 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 Radcliffe 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 Radcliffe has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M Cavey', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 14 August 2024

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