



Teaching
Regulation
Agency

Mr Tom Ivey (Sam Thomas): Professional conduct panel meeting outcome

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

October 2024

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

Teacher:	Mr Tom Ivey
Teacher ref number:	0349736
Teacher date of birth:	12 February 1981
TRA reference:	22045
Date of determination:	01 October 2024
Former employer:	Abbeywood Community School (Olympus Academy Trust)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 01 October 2024 virtually, via Microsoft Teams, to consider the case of Mr Tom Ivey.

The panel members were Mr Ronan Tyrer (lay panellist – in the chair), Mrs Gerida Montague (teacher panellist) and Mrs Lauren Gray (lay panellist).

The legal adviser to the panel was Mr Jermel Anderson of Blake Morgan 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 Tom Ivey that the allegation be considered without a hearing. Mr Ivey provided a signed statement of agreed facts and admitted a conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Callum Heywood or, Mr Ivey.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 12 April 2024.

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

1. On or around 14 November 2023 he was convicted at Bristol Magistrates Court of the following offences:

a. Making Indecent Photograph or Pseudo Photograph of children on 27/11/2021-01/10/2022 contrary to the protection of Children Act 1978 s.1(a)

b. Making Indecent Photograph or Pseudo Photograph of children on 27/11/2023-01/10/2022 contrary to the protection of Children Act 1978 s.1(a)

c. Making Indecent Photograph or Pseudo Photograph of children on 27/11/2023-01/10/2022 contrary to the protection of Children Act 1978 s.1(a)

Mr Ivey admitted the allegation. Mr Ivey also admitted that the allegation amounted to a conviction of a relevant offence.

Summary of evidence

Documents

Section 1: Notice of referral response and notice of meeting – pages 3 to 19

Section 2: Statement of agreed facts and presenting officer representations – pages 21 to 26

Section 3: Teaching Regulation Agency documents – pages 28 to 45

Section 4: Teacher documents – page 47

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Ivey on 6 June 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

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

Mr Ivey was the Head of History and an Associate Assistant Headteacher at Abbeywood Community School (Olympus Academy Trust) in Bristol. He commenced employment at the organisation on 1 July 2004 and left on 24 April 2023.

Mr Ivey was convicted on 14 November 2023 at Bristol Magistrates' Court, following three separate charges contrary to s1.(a) of the Protection of Children Act 1978. He was sentenced to 20 weeks' imprisonment and 6 weeks' imprisonment concurrently, both suspended for a period of 24 months. He was also placed under a Sexual Harm Prevention Order for 5 years and given Sex Offender Notification requirements for a period of 7 years. He was also ordered to pay a victim surcharge of £154, prosecution costs of £85, and to undertake a rehabilitation activity. A deprivation order in relation to his mobile phone was also made by the 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:

1. On or around 14 November 2023 you were convicted at Bristol Magistrates Court of the following offences:

a. Making Indecent Photograph or Pseudo Photograph of children on 27/11/2021-01/10/2022 contrary to the protection of Children Act 1978 s.1(a)

b. Making Indecent Photograph or Pseudo Photograph of children on 27/11/2023-01/10/2022 contrary to the protection of Children Act 1978 s.1(a)

c. Making Indecent Photograph or Pseudo Photograph of children on 27/11/2023-01/10/2022 contrary to the protection of Children Act 1978 s.1(a)

The panel noted that Mr Ivey made a full admission to the allegation. In addition, the panel noted that it had sight of the Certificate of Conviction, mirroring the offences as set

out in the allegations, which is taken to be decisive. It also saw the relevant Police National Computer printout, showing the same offences.

It therefore found Allegation 1 proved.

Findings as to conviction of a relevant offence

Having found a number of the allegations proved, the panel went on to consider whether the facts 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 Ivey in relation to the facts it found proved involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mr Ivey 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards.
- 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 Mr Ivey’s actions were relevant to teaching, working with children and/or working in an education setting. The offences concerned indecent images of victims who were of school age, which therefore directly engaged the issue of working within an education setting.

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, given the nature of the offences.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Ivey’s 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 Ivey’s 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 involving offences of sexual activity 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 found that the seriousness of the offending behaviour that led to the convictions was relevant to Mr Ivey's ongoing suitability to teach. The panel considered that a finding that these convictions were for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of 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 and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils and protection of other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In the light of the panel's findings against Mr Ivey which involved convictions for indecent images of children, there was a strong public interest consideration in relation to all of the public interest considerations above.

The panel did not find feel that it could find that there was a public interest in retaining Mr Ivey in the profession, given the findings that it had made.

There was a strong public interest consideration in respect of the protection of pupils given the serious findings pertaining to indecent images of children who were of school age.

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

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 Ivey.

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 Ivey. 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 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,
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- 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 to act on evidence that indicated a child's welfare may have been at risk e.g. failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- 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;
- a deep-seated attitude that leads to harmful behaviour;

- a lack of integrity

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel felt it could not comment to a significant degree in relation to the mitigating factors in the case. It noted that there was no evidence presented by the TRA that suggested that Mr Ivey had been subject to any prior criminal or disciplinary proceedings. It also noted that Mr Ivey had engaged with the TRA and had signed a statement of agreed facts.

It was noted by the panel however that there was no evidence that Mr Ivey's actions were not deliberate or that he was acting under duress.

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 Ivey 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 Ivey. The nature of his offending 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.

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 that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct

- 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;
- child cruelty and/or neglect;

The panel also considered the offences set out at paragraph 51 of the Advice which it found would weigh in favour of a longer review period, however it found that none of those offences were present.

The panel found that Mr Ivey was responsible for sexual misconduct of a serious nature which revolved around images of children. It therefore felt that this was directly contrary to any prospective review period. The panel also noted that it had seen no evidence of insight or remorse from Mr Ivey and therefore could not take any potential remediation from him into consideration.

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

In particular, the panel has found that Mr Ivey 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards.
- 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 Ivey involved breaches of the responsibilities and duties set out in the statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of a conviction for the relevant offence of making indecent photographs or pseudo photographs of children. This conviction resulted in a suspended prison sentence.

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 Ivey, 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, "There was a strong public interest consideration in respect of the protection of pupils given the serious findings pertaining to indecent images of children who were of school age." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel has set out as follows, "The panel also noted that it had seen no evidence of insight or remorse from Mr Ivey and therefore could not take any potential remediation from him into consideration." In my judgement, the lack of evidence of insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed, "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ivey

were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of making 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 Ivey. The panel felt that “it could not comment to a significant degree in relation to the mitigating factors in the case.” However, it noted that “there was no evidence presented by the TRA that suggested that Mr Ivey had been subject to any prior criminal or disciplinary proceedings.”

A prohibition order would prevent Mr Ivey 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 about the serious nature of the misconduct which involved indecent images of children. I have also placed considerable weight on the panel’s finding about the lack of evidence of insight or remorse.

I have given less weight in my consideration of sanction, therefore, to the contribution that Mr Ivey 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 insight and 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 no provision should be made for a review period.

The panel has noted that the Advice indicates that behaviours that militate against a review period include any sexual misconduct involving a child and any activity involving making any indecent photograph or pseudo photograph of a child. The panel has said “Mr Ivey was responsible for sexual misconduct of a serious nature which revolved

around images of children. It therefore felt that this was directly contrary to any prospective review period.”

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 serious nature of the offences involving indecent images of children of which Mr Ivey was convicted, and 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 Tom Ivey 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 Ivey 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 Ivey 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 'D Oatley', enclosed in a thin black rectangular border.

Decision maker: David Oatley

Date: 3 October 2024

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