



Teaching
Regulation
Agency

Mr Thomas Calverley: 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 Thomas Calverley
Teacher ref number:	1554267
Teacher date of birth:	2 February 1995
TRA reference:	20157
Date of determination:	7 October 2024
Former employer:	The Adeyfield Academy, Hemel Hempstead

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 7 October 2024, to consider the case of Mr Thomas Calverley (“Mr Calverley”)

The panel members were Mr Peter Ward (lay panellist – in the chair), Mrs Patricia Hunt – former teacher panellist) and Ms Aruna Sharma (teacher panellist).

The legal adviser to the panel was Mrs Carly Hagedorn of Eversheds Sutherland (International) 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 Calverley that the allegations be considered without a hearing. Mr Caverley provided a signed statement of agreed facts and admitted that he was convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Michael O’Donohoe and Mr Calverley.

The meeting took place in private.

Allegations

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

It was alleged that Mr Calverley was convicted of a relevant offence, in that on 15 November 2022, at Buckingham Magistrates Court, he was convicted of:

1. Attempt/engage in sexual communication with a child between 25/05/21 and 03/06/21;
2. Attempt/cause child under 16 to watch/look at an image of sexual activity between on 25/05/21 and 03/06/21.

Mr Calverley admitted the facts of the allegations and that they amounted to a conviction of a relevant offence.

It was drawn to the panel's attention at the outset of the meeting that the second allegation included the word "on" before the time range of the offence. The panel considered that the removal of the additional word "on" was a correction of a typographical error which did not change the nature, scope or seriousness of the allegation. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher.

The second allegation was amended to read as follows:

2. Attempt/cause child under 16 to watch/look at an image of sexual activity between 25/05/21 and 03/06/21.

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 Meeting and List of Key People – pages 2 to 4

Section 2: Notice of Referral, response and notice of meeting – pages 6 to 21

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 23 to 27

Section 4: Teaching Regulation Agency documents – pages 29 to 47

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 Calverley on 13 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 Calverley 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.

Mr Calverley was employed as a PE teacher and pupil premium lead at the Adeyfield Academy (“the School”) from 1 September 2019 to 5 July 2021. Mr Calverley was employed through the ATLAS Multi Academy Trust.

Between 25 May 2021 and 3 June 2021, Mr Calverley accessed and participated in online chat rooms. In the process of doing so, he began chatting to “Ben”, a user who indicated to Mr Calverley that he was a 14 year old boy. “Ben” was in fact not a 14 year old boy. The user, “Ben”, was an undercover police officer posing as one.

The chat became sexual in its content. During the chat, Mr Calverley uploaded and sent images of his erect penis to “Ben” to view. He sent images of sexual activity for “Ben” to view. He also requested “Ben” to send images of himself masturbating.

Mr Calverley was tracked by the police through his online profile and arrested.

As a result of his conduct, Mr Calverley was charged with two offences as follows:

- a) Between 25th May 2021 and 3rd June 2021, you attempted to engage in sexual communication with a child under the age of 16 ;
- b) Between 25th May 2021 and 3rd June 2021, you attempted to cause a child under the age of 16 to watch/look at an image of sexual activity .

Mr Calverley was brought before the Magistrates Court on the 15 November 2022. He pleaded guilty to both charges and was committed to Aylesbury Crown Court for sentencing.

He was sentenced to a Community Order for 2 years with a requirement for him to attend the Horizon Sex Offender programme. He was also sentenced to 30 days of rehabilitation activity requirement (RAR) and 120 hours of unpaid work. Mr Calverley was also made subject to Sexual Harm Prevention Order for 5 years.

He was also made subject to Notification Requirements of the sexual offenders register for five years. [REDACTED]

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. Attempt/engage in sexual communication with a child between 25/05/21 and 03/06/21;

The panel was provided with a Certificate of Conviction confirming that Mr Calverley was convicted on 15 November 2022 of attempting to engage in sexual communication with a child between 25 May 2021 and 3 June 2021, after pleading guilty to the offence.

On 20 January 2023, Mr Calverley was sentenced at Aylesbury Crown Court.

The panel accepted the Certificate of Conviction as conclusive proof of the conviction.

The statement of agreed facts stated that “Mr Calverley accepts by pleading guilty to the above offences, he has been convicted of them.”

The panel found allegation 1 proved.

2. Attempt/cause child under 16 to watch/look at an image of sexual activity between 25/05/21 and 03/06/21.

The panel was provided with a Certificate of Conviction confirming that Mr Calverley was convicted on 15 November 2022 of attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity between 25 May 2021 and 3 June 2021.

On 20 January 2023, Mr Calverley was sentenced at Aylesbury Crown Court.

The panel accepted the Certificate of Conviction as conclusive proof of the conviction.

The statement of agreed facts stated that “Mr Calverley accepts by pleading guilty to the above offences, he has been convicted of them.”

The panel found allegation 2 proved.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Mr Calverley, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Calverley 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
 - showing tolerance of and respect for the rights of others
 - 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...
- 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 Calverley's actions were relevant to teaching, working with children and working in an education setting by the very nature of the convictions which resulted in Mr Calverley being subject to Notification Requirements of the sexual offenders register for five years.

The panel noted that the behaviour involved in committing the offence would likely to have 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 Calverley's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Calverley was allowed to continue teaching.

The panel noted that Mr Calverley's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

This was a case concerning an offence involving sexual activity and sexual communication with a child.

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered the sentencing remarks and the fact that Mr Calverley pleaded guilty at the first opportunity. The panel did not have sight of any evidence attesting to Mr Calverley's ability as a teacher.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Calverley's fitness to be a teacher. The panel considered that a finding that this conviction was 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Calverley and whether a prohibition order is necessary and proportionate. 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 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 the light of the panel's findings against Mr Calverley which involved convictions for attempting to engage in sexual communication with a child and attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings, which amounted to a conviction of a relevant offence.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Calverley were not treated with the utmost seriousness when regulating the conduct of the profession.

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

There was no evidence before the panel of Mr Calverley's ability as an educator and in any event, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Calverley in the profession.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, 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 disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, for example, 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;
- 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)

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

The panel determined that Mr Calverley's actions were deliberate. There was no evidence that Mr Calverley was acting under extreme duress, e.g. a physical threat or significant intimidation.

There was no evidence before the panel that Mr Calverley had demonstrated exceptionally high standards in his professional conduct or of having contributed significantly to the education sector.

The panel noted that Mr Calverley admitted the offences by pleading guilty at the earliest opportunity and had no previous convictions as referred to in the sentencing remarks.

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 Calverley 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 Calverley. The convictions for attempting to engage in sexual communication with a child and attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity, (which the panel found to be a conviction of a relevant offence) were significant factors 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 of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Calverley was convicted for attempting to engage in sexual communication with a child and attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity which directly linked to the aforementioned behaviours which recommend no review period.

The panel was unable to independently assess Mr Calverley's insight or remorse as he did not provide written representations. There was no evidence to attest to Mr Calverley's ability as an educator. There was also no evidence to demonstrate how Mr Calverley was addressing his behaviour and therefore the panel could not address the likelihood of repetition. Mr Calverley was required to attend the Horizon Sex Offender programme, but the panel did not have sight of any evidence to demonstrate his engagement and/or learnings from this programme.

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

In particular, the panel has found that Mr Calverley 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
 - showing tolerance of and respect for the rights of others
 - 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...
- 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 Calverley involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of convictions for the relevant offences of attempting to engage in sexual communication with a child and attempting to cause a child to watch or look at an image of sexual activity.

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 Calverley, 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, "In the light of the panel's findings against Mr Calverley which involved convictions for attempting to engage in sexual communication with a child and attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils". 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 was unable to independently assess Mr Calverley's insight or remorse as he did not provide written representations." The panel has also commented, "There was also no evidence to demonstrate how Mr Calverley was addressing his behaviour and therefore the panel could not address the likelihood of repetition. Mr Calverley was required to attend the Horizon Sex Offender programme, but the panel did not have sight of any evidence to demonstrate his engagement and/or learnings from this programme." 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 that "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Calverley were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of attempting to engage in sexual communication with a child 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 Calverley himself. The panel has commented “There was no evidence before the panel that Mr Calverley had demonstrated exceptionally high standards in his professional conduct or of having contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the serious nature of the conduct for which Mr Calverley was convicted and made subject to a Sexual Harm Prevention Order for 5 years. The panel has said, “The panel decided that the public interest considerations outweighed the interests of Mr Calverley. The convictions for attempting to engage in sexual communication with a child and attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity, (which the panel found to be a conviction of a relevant offence) were significant factors in forming that opinion.” I have also placed considerable weight on the finding of the panel about the lack of evidence of Mr Calverley’s insight and remorse.

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

The panel has noted that the Advice states that in cases involving serious sexual misconduct or any sexual misconduct involving a child, the public interest will have greater relevance and weigh in favour of not offering a review period. The panel has commented that “Mr Calverley was convicted for attempting to engage in sexual

communication with a child and attempting to cause a child aged 13 to 15 to watch / look at an image of sexual activity which directly linked to the aforementioned behaviours which recommend no 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 of which Mr Caverley 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 Thomas Calverley 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 Calverley 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 Thomas Calverley 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', written in a cursive style.

Decision maker: David Oatley

Date: 9 October 2024

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