



Teaching  
Regulation  
Agency

# **Markus Ryan: Professional conduct panel outcome**

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

**November 2024**

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

<b>Teacher:</b>	Mr Markus Ryan
<b>TRA reference:</b>	19799
<b>Date of determination:</b>	12 November 2024
<b>Former employer:</b>	St Thomas More Catholic Comprehensive School, Eltham

## Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened 4 to 12 November 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Markus Ryan.

The panel members were Mr Adrian Phillips (lay panellist – in the chair), Miss Louisa Munton (teacher panellist) and Mrs Melissa West (teacher panellist).

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

The presenting officer for the TRA was Mrs Heather Andersen of Browne Jacobson solicitors.

Mr Markus Ryan was present and was represented by Mr Andrew Faux of Lawyers for Teachers.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 26 April 2024.

It was alleged that Mr Markus Ryan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

- 1) He was involved in the recruitment, performance review, promotion and/or pay decisions for:
  - a) Individual A who:
    - i) was promoted from Learning Support Assistant to Head of School from 2004-2017;
    - ii) received a salary increase of approximately £20,000 from 2017-2019
  - b) Individual B whose salary was increased by approximately £30,000 from 2014-2019;
  - c) Individual C whose salary was increased by approximately £10,000 from 2017-2019;
- 2) His conduct as may be found prove at Allegation 1 was in circumstances where:
  - a) He and Individual A were friends;
  - b) Individuals B and C were Individual A's children;
  - c) He failed to disclose to the school your personal relationships with Individuals A, B and/or C:
    - i) when signing the Register of Interests on or around 8 November 2018;
    - ii) at a Pay Committee meeting on or around 10 October 2019;
    - iii) at all.
  - d) In respect of Individual A's appointment to Head of School he:
    - i) failed to advertise the role externally
    - ii) failed to advertise the role internally;
    - iii) failed to enact and/or document a formal recruitment process;
    - iv) failed to involve and/or inform the Local Education Authority;

- v) informed the Management and Resources Committee on or around 21 November 2018 that Individual A was a qualified teacher when this was not the case;
  - vi) Informed the Management and Resources Committee on or around 21 November 2018 that Individual A held NPQH when this was not the case.
- e) Individual A did not hold qualified teacher status and/or sufficient expertise or qualifications for the role of Head of School;
- f) he informed the school's Pay Committee on or around 19 October 2019 that Individual A had met all objectives and achieved appraisal targets when in fact:
- i) Individual A had been subject to Local Authority Mentoring Meetings;
  - ii) the local authority had raised concerns regarding Individual A's competence;
  - iii) pupil performance had declined at Individual A's school;
  - iv) the school roll had reduced.
- 3) Acted in a manner which was for personal gain and/or failed to represent value to the school in that he:
- a) instructed solicitors to advance a personal complaint on his behalf at the school's expense;
  - b) arranged for the school to order and/or purchase and/or collect items of yachting clothing;
  - c) failed to pay VAT on the purchase of one or more items of yachting clothing;
  - d) incurred roaming/data charges of approximately £1,200 in excess of his allowance over 5 months in 2019
  - e) Arranged for the school to purchase approximately 12 containers of boric acid and/or oxalic acid which:
    - i) are not available for public purchase;
    - ii) were stored in his office and/or were stored in an unsafe manner;
    - iii) were not required by the school in the quantities purchased;
    - iv) are used for cleaning marine yachts.

- 4) Acted or attempted to act as Executive Head-teacher over Schools A, B and C in circumstances where:
  - a) the schools were not part of a multi-academy trust;
  - b) no formal agreements existed authorizing him to do so;
  - c) he misrepresented the status of the partnership to the Local Authority;
  - d) he was providing services to School's B and C which were funded by money allocated to fund the education of Pupils at School A;
  - e) he was in receipt of a salary which:
    - i) did not reflect value for money
    - ii) was based in part on his continued role as Executive Headteacher at multiple schools
- 5) His conduct as may be found proven at Allegations 1-4 above lacked integrity and/or was dishonest.

Mr Ryan made admissions to Allegations 1A, 1B, 1C, 2A, 2B, 2C, 2F, 3D, 4A, 4D. He made no admissions in respect of Allegations 2D, 2E, 2Fii, 2Fiv, 3A, 3B, 3C, 4B, 4C and 5.

He also made no admission as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Application to admit additional evidence by the TRA**

The panel heard an application from the TRA to admit additional evidence. The panel heard from Mr Ryan's representative who did not oppose the application. It also heard and accepted legal advice in respect of this application. The panel saw that the documents arose from Experian searches, which showed an address search history for Mr Ryan and also for Individual A. It was argued that these documents were directly relevant to the connection between them.

The panel determined that the documents were self-evidently relevant. It also, having been advised that the person who undertook the searches, [REDACTED], may become available as a witness, determined that it would be fair to admit the documents in the circumstances, recognising that the material could be tested.

The application was therefore allowed, and the documents were added to the bundle in Section 6 from pages 1023 to 1030.

### **Application to admit additional evidence by both parties**

The panel heard a joint application from both parties to admit further material that was directly connected to the Experian searches. The documents provided by Mr Ryan included his own Experian search material, a copy of an insurance policy taken out by Mr Ryan where Individual A was named and Rightmove documents showing the dates that a property in [REDACTED] and a property in [REDACTED] had been bought and sold. The TRA provided two further credit searches pertaining to Individual A and Mr Ryan and their connection to the two addresses, through the IDCheck platform. The panel also accepted legal advice in relation to this matter.

The panel considered that these documents were intrinsically linked to the additional material that had already been provided and therefore found that they were equally relevant and were fair to admit.

Accordingly, the panel admitted the additional documentation and paginated it as follows:

- Mr Ryan's documents - 1031 to 1037
- IDCheck documents pertaining to Individual A and an address in [REDACTED] – 1038 to 1040
- ID Check documents pertaining to Individual A and an address in [REDACTED] - 1041 to 1043

### **Application to amend allegation 2F**

There was an application to amend allegation 2F by the TRA. The TRA's presenting officer advanced that there was a typographical error with the allegation pertaining to dates as expressed within the allegation. The application was not opposed by Mr Ryan's representative. The panel also heard and received legal advice in relation to this application.

The panel formed the view that there was minimal risk of prejudice to Mr Ryan in relation to this amendment, given that it did not alter the substantive nature of the case. Additionally, it considered that it would not be unfair to amend the allegation, given the minimal nature of the amendment.

The panel therefore allowed the application. Allegation 2F was therefore amended from:

*f. you informed the school's Pay Committee on or around 19 October 2019 that Individual A had met all objectives and achieved appraisal targets when in fact*

To read:

*f. you informed the school's Pay Committee on or around 10 October 2019 that Individual A had met all objectives and achieved appraisal targets when in fact*

### **Application to hear part of the hearing in private**

The panel received an application to hear matters partially in private by Mr Ryan's representative. The application was not opposed by the TRA. The panel also heard and received legal advice in relation to this matter. It was the position of his representative, that there were certain sensitive matters pertaining to Mr Ryan's personal life which directly engaged his Article 8 rights and therefore, the panel should retire into private session, should the matters arise.

The panel considered that the matters directly engaged Mr Ryan's Article 8 rights. It accordingly formed the view that there was no public interest in these matters being discussed publicly during the hearing. The panel accordingly determined that it would sit in private session, should any of the sensitive issues arise.

The application was therefore allowed.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of proceedings and response – pages 12 to 20

Section 2: Anonymised person list – page 22

Section 3: Teaching Regulation Agency witness statements and documents – pages 24 to 926

Section 5: Teacher documents – pages 928 to 1022

In addition, the panel agreed to accept the following:

Section 6: Late documents – pages 1023 to 1043

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.



In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

## **Witnesses**

The panel heard oral evidence from the following witnesses who were called by the TRA’s presenting Officer:

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [REDACTED]
- Witness D, [REDACTED]
- Witness E, [REDACTED]
- Witness F, [REDACTED]
- Witness G, [REDACTED]
- Witness H, [REDACTED]

Mr Ryan also gave evidence before the panel. Additionally, the following witness was called by his representative:

- Witness I, [REDACTED]

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel found allegations 1a, 1b, 1c, 2a, 2b, 2c, 2e, 2Fiii, 3b, 3d, 4a, 4d, 4eii proved. It also found Allegation 5 proved in respect of the question of a lack of integrity in relation to Allegations 2c, 2Fiii and 4d. It also determined that Mr Ryan had acted dishonestly in respect of Allegations 2c and 2Fiii.

The panel also found that Mr Ryan was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Mr Ryan was appointed as Headteacher of St Thomas More Catholic Comprehensive School (‘The School’) in April 2006. Mr Ryan’s job title was changed to “Executive

Principal (Academy)" in February 2015. An agreement was established with St Thomas More Catholic Primary School in September 2015, and with [REDACTED] in September 2017. As part of this agreement, Mr Ryan was executive headteacher of all three schools, with a Head of School being appointed to both of the primary schools.

Individual A was employed as a [REDACTED] at the School in August 2004. They progressed through the School and was promoted to the position of [REDACTED] in December 2016, before being made Head of School at [REDACTED] in July 2017.

Individual B joined the School as an Unqualified Teacher of English in June 2014. They progressed to [REDACTED] in July 2019. Individual C was employed by the School as [REDACTED] in September 2017 and was made [REDACTED] by September 2018.

During his time as Headteacher, Mr Ryan was involved in career-adjacent discussions pertaining to Individual A, Individual B and Individual C. He also at times arranged for staff to purchase clothing for his yachting crew, from the school's uniform provider. Mr Ryan also incurred significant roaming charges whilst overseas whilst using a school device.

Towards August 2019, the School's law firm, [REDACTED], was engaged due to a complaint relating to the Diocese. On 3 January 2020, Witness D was tasked with undertaking an investigation in relation to the School.

The matter was subsequently referred to the TRA.

## **Evidence**

The panel had careful regard to the oral and documentary evidence presented and the parties' submissions.

It accepted the legal advice provided.

## **TRA Evidence**

The panel heard live evidence from several witnesses who gave contextual evidence pertaining to the case. The panel heard live evidence specifically relating to:

- The recruitment of Individual A, Individual B and Individual C
- The pay and career progression of Mr Ryan, Individual A, Individual B and Individual C
- The financial and legal relationship between the School, and the two primary schools

- The relationship between the Local Authority, the Diocese and the School
- The utility/safety issue surrounding Boric Acid and Oxalic Acid
- The financial handling of purchases by the school, including the treatment of VAT where purchases were not for the School's benefit
- Credit reports pertaining to Individual A and Mr Ryan
- The legal dispute that arose during Mr Ryan's time at the School

The panel was also aided with a range of documents directly connected to the matters that concerned its deliberations. They were shown documents including:

- An Internal investigative report
- A range of invoices relating to yachting clothing purchases
- A bill with data roaming charges connected to Mr Ryan's iPad usage
- Career progression tables connected to Mr Ryan, Individual A, Individual B and Individual C
- Teacher payscale documents
- Memorandums of Understanding between organisation the School and the primary schools
- Minutes of meetings of governor committee meetings
- Email correspondence pertaining to financial relationships between the School and the primary schools
- Correspondence between the school and its law firm
- School performance documentation and related OFSTED material
- School accounts and other financial documents

Mr Ryan gave live evidence before the panel which engaged the above issues. His representative also called Witness I as a live witness who spoke to the contentious issues pertaining to boric acid and oxalic acid.

In considering the allegations, the panel formed its own, independent view based on the evidence presented to it.

It was mindful of the need to exercise its own independent judgement and not rely upon any opinions recorded. It was for the panel, not anyone else, to draw inferences and conclusions from proven facts in this case.

The panel was also mindful that it had seen some hearsay evidence within this case. In the absence of hearing from these individuals, and being able to test their accounts, this evidence was treated with caution by the panel.

Where such evidence was relied upon, it is addressed in the panel's reasons, below.

In assessing what weight to attach to this hearsay evidence, the panel considered all of the circumstances, including the extent to which it was supported or contradicted by other oral and documentary evidence in this case.

## **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) You were involved in the recruitment, performance review, promotion and/or pay decisions for:**
  - a) Individual A who:**
    - i) was promoted from Learning Support Assistant to Head of School from 2004-2017;**
    - ii) received salary increase of approximately £20,000 from 2017-2019**
  - b) Individual B whose salary was increased by approximately £30,000 from 2014-2019;**
  - c) Individual C whose salary was increased by approximately £10,000 from 2017-2019;**

The panel dealt with the sub-particulars in this allegation together, given the connected nature of what was being advanced by the TRA.

The panel noted that Mr Ryan had made an admission to this allegation. It also considered that it had seen the pay progression reports as exhibited by Witness E pertaining to each of the individuals. It noted that the salary increases as set out in the sub-particulars were approximately commensurate with those reports. It also noted that the reports showed that Mr Ryan had signed off on pay increases on multiple instances in relation to all three of the individuals. It noted in particular that in respect of Individual

A, Mr Ryan was the signatory for the vast majority of promotion and pay decisions.

The panel also acknowledged that during his live evidence, Mr Ryan mentioned being a member of the recruitment panel for Individual C.

Having considered the evidence, the panel was therefore satisfied that Mr Ryan was involved in the recruitment, performance review, promotion and pay rise decisions in respect of all three individuals.

Accordingly, Allegation 1 was found proved in totality.

**2) Your conduct as may be found prove at Allegation 1 was in circumstances where:**

- a) you and Individual A were friends;**
- b) Individuals B and C were Individual A's children;**
- c) you failed to disclose to the school your personal relationships with Individuals A, B and/or C:**
  - i) when signing the Register of Interests on or around 8 November 2018;**
  - ii) at a Pay Committee meeting on or around 10 October 2019;**
  - iii) at all**

The panel considered 2a-2c together due to the inherent connection between these sub-particulars. The panel was cognisant of the fact that Mr Ryan had made clear disclosures to the fact that he was friends with Individual A. It also noted that in respect of Individual B and Individual C, he was clear that they were Individual A's children. It was noted that Mr Ryan had said he was "friendly" with Individual B and Individual C, and that he knew them. The panel considered the fact that Mr Ryan appeared to accept that he recognised that there was a relationship between him and all three Individuals, and that per his written evidence he "should have declared it".

The panel noted that it had sight of the relevant page of the governors' register of business interests which had been signed on 8 November 2018 by Mr Ryan. It was clear that no declarations had been made regarding these relationships. Similarly, the panel had seen the minutes of the Pay Committee meeting on 10 October 2019. It acknowledged that that within these minutes it said there were no declarations of interested items on the agenda which was of particular concern to the panel, given this meeting was convened to discuss the pay of Individual A.

The panel also saw that within the minutes of a Management and Resources Committee

Meeting on 21 November 2018, the wording “no declarations of interest” was used under the section entitled “disclosure of pecuniary or non-pecuniary interest...”. The panel considered that the fact that Mr Ryan was the accounting officer for the School was particularly relevant to this discrepancy.

It was the panel’s view that on every occasion where Mr Ryan may have been expected to make a declaration, he did not. It accordingly found Allegations 2a-2c proved.

**d) In respect of Individual A’s appointment to Head of School you:**

**i) failed to advertise the role externally**

The panel noted that in respect of this sub-particular, it had heard a lot of evidence about the “custom and practice” insofar as it pertained to recruitment processes. It noted that throughout her evidence Witness D had advised that they saw “no evidence” of an advertisement for the role. The panel however did not determine that it had seen any evidence showing that there was a positive obligation to advertise this position externally. It noted that whilst there may have been an obligation to advertise the role of a Headteacher externally, the evidence of Witness G, was that a “Head of School” was different to a Headteacher and that a “Head of School didn’t go through formality, but there would be a process”.

In the absence of any clear guidance or other indication that such an obligation exists, the panel did not believe that it could say that Mr Ryan had failed to act.

The panel accordingly found Allegation 2di not proved.

**ii) failed to advertise the role internally;**

The panel formed the view that as with Allegation 2di, it had not seen much by way of evidence of an obligation to advertise the role internally.

The panel however noted that Mr Ryan’s evidence was directly relevant to this allegation. It noted that he had advised that he had asked several members of the Senior Leadership Team whether they wanted the role and that no one was willing to come forward. It also noted that this was corroborated by the evidence of Witness A who suggested that he was aware of the post and that no one had wanted to take it. Within his written evidence Witness A had commented that he was “never advised that such a process was required” and during their oral evidence he had commented that there was “huge pressure on him and other members of the Senior Leadership Team” to apply for the post.

It was the panel’s view that given the fact the members of staff had been invited to apply for the role, others clearly knew that the post was available. The panel was satisfied that

this met the definition of advertising within the context of the School.

The panel accordingly found Allegation 2dii not proved.

**iii) failed to enact and/or document a formal recruitment process;**

The panel felt that whilst it was not provided with a comprehensive explanation as to what a formal recruitment process would involve, it could infer that the description provided by Witness G that it may include a "...job advert, person specification and a job description", may meet the conventional definition of a formal process.

The panel however again noted that it had seen no evidence that such documents did not exist. It considered that per Allegation 2dii, at the very least colleagues had been advised of the role and it had been advertised to them. It therefore felt it could not find that such a duty existed or had not been adhered to.

It therefore found Allegation 2diii not proved

**iv) failed to involve and/or inform the Local Education Authority;**

When approaching this Allegation, the panel noted that the School was an academy, and therefore outside of the conventional remit of the Local Education Authority. It heard live evidence from Witness G who said there was an expectation that the local authority would have been informed as this was the "custom and practice" in respect of the area. The panel noted that informing the Local Education Authority, may have been

polite in the given context, however it did not see any evidence in the form of statute, policy or guidance, suggesting that there was any obligation to inform.

Allegation 2div was therefore found not proved.

**v) informed the Management and Resources Committee on or around 21 November 2018 that Individual A was a qualified teacher when this was not the case;**

**vi) Informed the Management and Resources Committee on or around 21 November 2018 that Individual A held NPQH when this was not the case.**

Allegations 2dv and 2dvi were considered together by the panel as they both engaged with the Management and Resources Committee meeting on 21 November 2018. The panel noted that it had seen the minutes of the meeting which were written by a clerk to the Committee.

The panel did not consider that the minutes made clear who was said to have provided

particular information which it considered directly relevant to the question of whether Mr Ryan had informed the Committee of anything. The panel acknowledged however that the document did clearly note that Individual A was a qualified teacher and held NPQH. It was clear through other evidence that neither of these things were true.

Mr Ryan through his oral evidence had stated that he did not often read the minutes of the meetings and that they were “probably nodded through”. The panel considered that this, in conjunction with the fact that the next meeting was over 2 months later were directly relevant to both sub-particulars. It also noted that it had seen that other attendees of the meeting such as Witness E was also aware that these things were not true. Within her live evidence, she stated that she could not recall Mr Ryan telling the Committee that Individual A was a qualified teacher and that they held NPQH. It was noted that several witnesses had made it clear that they knew that Individual A was not a qualified teacher.

The panel also made the observation that the document was not signed or dated at the bottom, despite the template having a space to do so, which it felt undermined the suggestion that this was a robust document.

Given the fact that Individual A’s qualification status was not a secret within the School environment, and the presence of the concerns regarding the validity of the document, the panel did not feel that it could find on balance of probabilities that Mr Ryan had informed the Committee falsely in relation to Individual A’s qualification status at this meeting.

Accordingly, Allegations 2dv and 2dvi were found not proved.

**e) Individual A did not hold qualified teacher status and/or sufficient expertise or qualifications for the role of Head of School;**

The panel was satisfied, as mentioned in relation to Allegations 2dv and 2dvi that it had seen significant evidence that Individual A did not hold qualified teacher status.

The panel did not think that it had seen evidence of specific qualifications that were needed for the role of Head of School, but it noted that when asked what Individual A’s qualifications were, Mr Ryan had said that she had a “degree in primary education” and had “led children with complex needs”. He was however unable to expand upon what the degree involved. It noted that Mr Ryan had commented that whilst he had no primary education experience, he indicated that he sought to provide some kind of mentoring assistance to Individual A in this role. He also stated “if the LASMM meetings threw something up” then he would seek to intervene. The panel also noted that Witness A had commented that he was “surprised” to see Individual A appointed to the role, given their experience.



The panel determined that Individual A's lack of Qualified Teacher Status, or relevant experience, was self-evident. Accordingly it found Allegation 2e proved.

**f) you informed the school's Pay Committee on or around 10 October 2019 that Individual A had met all objectives and achieved appraisal targets when in fact:**

**i) Individual A had been subject to Local Authority Mentoring Meetings;**

**ii) the local authority had raised concerns regarding Individual A's competence;**

**iii) pupil performance had declined at Individual A's school;**

**iv) the school roll had reduced.**

The panel looked at the objectives and appraisal targets that were set for Individual A when considering these allegations. It concluded that the Pay Committee on 10 October 2019 was advised that Individual A had met all of the objectives and appraisal targets. It however noted that none of the sub-particulars had been set out as career objectives. It did note that Individual A had been tasked to "Raise KS1/EYFS Outcomes" and "Raise KS2 outcomes" which it determined were directly connected to Allegation 2Fiii, but that its considerations were limited to that sub-particular only.

It firstly determined that 2Fi could not be considered, given it had heard and seen direct evidence that the LASMM meetings were not mentoring meetings, but rather were concerned with monitoring. It noted that if there were in fact other meetings which met the criteria of "mentoring", it had not had sight of any evidence to this effect. It noted that nothing within the objectives provided said anything about the school roll explicitly or any local authority concerns. It therefore did not see that 2Fii or 2Fiv could be found proved.

The panel however acknowledged that it had seen evidence through the ISDR that pupil performance had declined during Individual A's tenure as Head of School. It also noted that within the ISDR there was evidence that KS2 progress in reading was "significantly below national" and that the same was true of writing and mathematics. It also noted that through his live evidence, Mr Ryan had characterised the school performance in relation to Individual A's tenure as "disappointing".

Accordingly, the allegation was found proved solely in respect of sub-particular iii.

**3) Acted in a manner which was for personal gain and/or failed to represent value to the school in that you:**

**a) instructed solicitors to advance a personal complaint on your behalf at the school's expense;**

The panel adopted a broad definition of “instructed” when considering this allegation and considered that the allegation meant that what was asked of the law firm came from Mr Ryan, rather than any technical or legal definitions of instructions.

The panel noted that Mr Ryan had said through his evidence that the [REDACTED] had given the instructions to the law firm. It also had sight of an email from the [REDACTED] which corroborated this. Further, it observed through correspondence with the solicitor who undertook conduct of the matter that direct reference was made to Mr Ryan as the complainant. The panel therefore considered a direct evidential conflict, due to the fact that there appears to be inconsistency within the legal correspondence but found it notable that the law firm invoices made explicit reference to acting on behalf of the trust. It was cognisant of the assertion made by Witness D within her report that Mr Ryan had instructed the law firm to act, but it saw no evidence within her investigative materials to support this claim.

Ultimately, the panel was of the view that the most important material directly pertaining to this allegation, emanated from the letters of engagement from the law firm. It considered the fact that the law firm did not solely mention Mr Ryan meant that it could not be said that he had instructed them.

Accordingly, the panel felt that on balance of probabilities it was more likely that not that the instructions did not come from Mr Ryan. It therefore did not consider the question of whether the instructions amounted to a personal complaint to be relevant.

The panel therefore found allegation 3a not proved.

**b) arranged for the school to order and/or purchase and/or collect items of yachting clothing;**

The panel heard directly from Mr Ryan in relation to this allegation and it noted that he accepted that there was an arrangement whereby Witness F would facilitate the purchase of yachting clothing for him. This was further corroborated by Witness F’s live evidence where she explained the process in more detail. The panel felt that Witness F’s evidence was directly relevant to the question of whether there was a personal gain/any value to the school. The panel noted that Witness F had asserted that she would go to the shop on occasion with the sole purpose of procuring clothing for Mr Ryan. It noted that Mr Ryan had suggested that the purchases were part of trips that were incidental, noting that the clothing also came from the school uniform provider. However, the panel felt that Witness F, as the person who made the purchases, provided a more compelling account and explanation of the typical procedure.

The panel formed the view that purchases pertaining to a hobby unconnected to the school, being undertaken by a subordinate member of staff during school time, was not

value for money for the school, and was clearly to Mr Ryan's personal benefit.

The panel accordingly found Allegation 3b proved.

**c) failed to pay VAT on the purchase of one or more items of yachting clothing;**

The panel was mindful that it had seen several invoices in relation to this allegation. It also noted that it saw several bank statements provided by Mr Ryan, which demonstrated that he had in fact frequently paid VAT-inclusive amounts in relation to these purchases.

The panel was cognisant of the fact that it had seen an email from Witness F requesting payment in relation to a yachting clothing purchase. It noted that the amount appeared to correspond with a VAT-exclusive figure as found on one of the invoices. It noted that Witness F was adamant that she had not made such an error and that the amount must have pertained to an invoice that had not been provided. However, the panel found that it was more plausible that she had simply made an accounting error.

The panel was also shown evidence of an occasion whereby Mr Ryan had not paid the full VAT amount when asked. It however noted that on this occasion, he had paid at least part of the VAT, and the panel accepted his explanation that he had paid the rest in cash, even if this was indicative of what may be considered poor financial practice. Witness E's live evidence in relation to this issue was that Mr Ryan may have paid the outstanding balance by a different means.

The panel was also cognisant of the fact that Witness E stated that there was "nothing in my mind to say he wouldn't pay the right amount" and that it had seen evidence of the correct amount being paid on multiple occasions.

The panel therefore found Allegation 3c not proved.

**d) incurred roaming/data charges of approximately £1,200 in excess of your allowance over 5 months in 2019**

The panel noted that Mr Ryan had accepted this allegation insofar as the usage was directly attributed to his iPad. He had given an explanation of the accruing of these charges being inadvertent and he explained that he was sailing at the relevant time and so was unsure as to how they were incurred, due to his belief that he could not connect to the internet whilst at sea.

The panel noted that Mr Ryan had raised the issue with his device with the relevant member of staff, [REDACTED] and no fault was identified on the device. It was however noted by the panel that Mr Ryan's data allowance was subsequently increased, and at no point had it seen evidence that the School had asked Mr Ryan to reimburse these

charges.

It was also noted by the panel that Mr Ryan had explained that he had used the device solely for work-related purposes and found this to be the most likely explanation when considered on balance of probabilities, in the absence of any alternative explanation. The panel found it entirely plausible that a Headteacher would use their device to access work during a holiday and that this may require internet access, even if the charges were largely unintentional.

As the panel saw evidence of the charges, and the charges were accepted by Mr Ryan, the panel found Allegation 3d proved.

**e) Arranged for the school to purchase approximately 12 containers of boric acid and/or oxalic acid which:**

- i) are not available for public purchase;**
- ii) were stored in your office and/or were stored in an unsafe manner;**
- iii) were not required by the school in the quantities purchased;**
- iv) are used for cleaning marine yachts**

The panel did not consider that it was shown any evidence that Mr Ryan had arranged for 12 containers of boric acid and/or oxalic acid to be purchased by the School. It therefore did not go on to consider the sub-particulars of this allegation. It noted that the evidence of Mr Ryan and Witness I was that the material in question was purchased by the School without involving Mr Ryan.

Mr Ryan had purchased his own boric acid, but in a much smaller quantity. It was also noted that during her live evidence Witness F had asserted that she had seen invoices pertaining to the purchase of boric acid and that these came from the "Chemistry Department" which was directly concordant with the explanation provided by Mr Ryan and Witness I.

The panel therefore found Allegation 3e not proved.

**4) Acted or attempted to act as Executive Head-teacher over Schools A, B and C in circumstances where:**

- a) the schools were not part of a multi-academy trust;**

The panel noted that Mr Ryan admitted that he had acted as an Executive headteacher over the schools and that they were not part of a multi-academy trust.

Given these admissions and the fact that throughout the evidence, Mr Ryan was referred to as the Executive Headteacher and/or “Executive Principal” of all of the schools, the panel found allegation 4a proved.

**b) no formal agreements existed authorizing you to do so;**

The panel noted that per the evidence of Witness D, the Memorandums of Understanding were properly signed in 2015 and 2016. It also had sight of these documents, which appeared to be formal agreements between the relevant schools. She gave evidence that the absence of signed Memorandums of Understanding would mean that there was no formal agreement. The panel also heard from Witness A through his live evidence who stated he thought a “precedent” had been set with a previous partnership.

Mr Ryan’s live evidence was that he was under the impression was that there was a formal agreement. He seemed to be of the view that Memorandums of Understanding emanated directly from the Diocese, and that they were formal partnership arrangements. This was considered alongside the fact that the Diocese inspection report makes reference to the “partnership” and referred to the executive headteacher status of Mr Ryan. Witness B notably in his live evidence suggested that the diocese may have been “behind on the paperwork” in respect of the issue of record keeping.

The panel formed the view that given the presence of a working partnership being a key feature of the evidence that it had seen, and the indications in writing from all relevant parties that Mr Ryan was an “executive head” and that there was a “partnership”, it was more likely than not that the written documents amounted to a formal agreement. It noted specific reference to the partnership being “dissolved”, within the final relevant piece of correspondence from the Diocese, as implying the existence of a formal or legal relationship between the schools.

Accordingly, it found allegation 4b not proved.

**c) you misrepresented the status of the partnership to the Local Authority;**

The panel noted that Mr Ryan’s position was that it was unclear what was meant by this allegation. It considered that the evidence of Witness D was that she could “find no evidence of a current formal agreement that had been validated by the Local Authority and Diocese”. However, it noted that it had also seen at least one Memorandum of Understanding that named [REDACTED], the relevant local authority, as a “third party”. It was therefore notable to the panel that it had sight of correspondence from [REDACTED] which stated that they would “welcome sight” of the memorandum of understanding.

The panel was not satisfied that it could draw an inference pertaining to misrepresentation, given the evidence it had seen being indicative of knowledge of the

agreement being held by the local authority.

The panel therefore found allegation 4c not proved.

**d) you were providing services to School's B and C which were funded by money allocated to fund the education of Pupils at School A;**

The panel found that this had been admitted in evidence by Mr Ryan. He admitted that he was paid solely by the School, and no charges were levied to the other schools in relation to his involvement. The financial explanation provided by Mr Ryan was also corroborated by Witness E who said her salary, as with Witness C' were funded with no contribution from the primary schools.

The panel was cognisant that at one stage in the investigative process, a contrary explanation did appear to have been offered; however, it was content that Mr Ryan now accepted that there was no financial provision given by the primary schools and it had seen no evidence to the contrary.

The panel therefore found Allegation 4d proved.

**e) you were in receipt of a salary which:**

- i) did not reflect value for money**
- ii) was based in part on your continued role as Executive Headteacher at multiple schools**

The panel accepted that it had seen evidence that Mr Ryan was paid outside of the conventional payscale. It also noted that Mr Ryan's account was that as an academy, the School had the liberty to pay him as it saw fit. The panel however felt that it could not comment on the question of value for money as set out in this allegation. It noted that it had seen evidence that Mr Ryan had been a successful executive headteacher, and had produced outstanding results for the School. It also noted that it had not been provided with a copy of the school pay policy. The panel did not feel that it could speculate as to the motivations of the governors, but felt that Mr Ryan's evidence that the School's performance was rated at 56th in the country was directly relevant to this consideration. Therefore, on balance of probabilities, it found that allegation 3ei was not proved.

The panel noted that Mr Ryan had made the admission that his salary was reflective of the fact that he was working with other schools. It also noted that, per the pay progression table as exhibited by Witness E, Mr Ryan's pay had increased when he had gained the job title "Executive Principal" in February 2015. It therefore felt that it could infer that there was a direct connection between the pay and progression, and that this was ultimately tied to him working with the other schools.

Accordingly, the panel found the Allegation proved in respect of 4eii only.

**5) Your conduct as may be found proven at Allegations 1-4 above lacked integrity and/or was dishonest.**

Having found Allegations 1a, 1b, 1c, 2a, 2b, 2c, 2e, 2Fiii, 3b, 3d, 4a, 4d, 4eii proved, the panel went on to consider them in relation to the questions of both integrity and dishonesty.

The panel first considered Allegation 1a, 1b, and 1c together. It considered that the involvement in recruitment, career and remunerative discussions in relation to Individual A, Individual B and Individual C was part of Mr Ryan's role and had seen no evidence to the contrary. The panel considered the implicit question of favouritism or impropriety in respect of the career and pay progression; however, it determined that it had not been presented with sufficient evidence to this effect. It noted that in respect of Individual B, Witness A had said during his live evidence that such progression was "not uncommon". It also was noted that all of the individuals appeared to have career progression that was consistent with the other evidence that was presented pertaining to their career trajectories. It was noted that the evidence of Witness C was that Individual B was offered financial incentive to perform "extra responsibilities" and that there was no suggestion of impropriety in relation to this.

The panel considered that Mr Ryan's decision to appoint Individual A to the Head of School at [REDACTED] was perhaps misguided, and it considered that he appeared to now accept this, but it did not consider that there was anything suggesting that there was a lack of integrity demonstrated in relation to this. The panel also noted that it had not seen any comparable data pertaining to the career progression of other employees.

The panel then went on to consider Allegations 2a, 2b and 2c. The panel did not think that Allegations 2a and 2b could be properly characterised as dishonest or lacking in integrity as they were factually evident and did not engage with any motive or action of Mr Ryan. Allegation 2c was of direct concern, however. The panel noted that Mr Ryan was an experienced headteacher and the accounting officer. It also engaged with the fact that no declarations were made on 8 November 2018, 10 October 2019, or on any occasion as it had already found proved. It determined that given Mr Ryan's experience and status within the School, this was indicative of a lack of integrity, given the standard that headteachers are expected to work to.

The panel noted that Mr Ryan's position was that he was unaware that he would have been required to declare the relationships in question, noting that he now was quite contrite in relation to this issue. However, it inferred that Mr Ryan would have had sight of documents, including the School's finance policy, which made clear that any action which

could be seen to “improperly influence....” decisions such as “promoting a member of staff with a close personal relationship...” needed to be declared. The panel therefore inferred that Mr Ryan must have had knowledge of this requirement and therefore had acted dishonestly. It accordingly found that these actions were dishonest by the standards of ordinary reasonable people, given the failure to disclose things which ought to have been disclosed when the obligation was clear. The panel also determined that there was a lack of integrity shown by Mr Ryan in relation to his failure to make these declarations, due to his status as the executive headteacher and accounting officer.

The panel felt that in respect of Allegation 2e, Mr Ryan had showed poor judgment, but there was no suggestion that he had lacked integrity or acted dishonestly. Individual A’s qualification status was evidently widely known throughout the School and there was no evidence presented by the TRA that this had ever been concealed.

The panel considered that in relation to Allegation 2Fiii, Mr Ryan had again shown contrition and stated during his live evidence that he was “wrong to say that all were met”. The panel was particularly mindful that the minutes of the meeting showed that Mr Ryan had said “all objectives had been met and all appraisal terms”. It found that this was of particular concern, given the fact that the actual pro-forma appraisal document, which appeared to have been completed by Mr Ryan on the same day as the Pay Committee meeting, featured the observation “KS2 – not met”. The panel therefore determined that Mr Ryan must have known that he was not providing the Pay Committee with an honest explanation, and that his belief could not have been that he was acting honestly. It also determined that this would clearly be dishonest by the standards of ordinary decent people. The panel also concluded that this demonstrated a lack of professional integrity as it was misleading to the Governors.

The panel noted that in relation to Allegation 3b, Mr Ryan had been frank and honest about the procurement of the yachting clothing. It noted that whilst it may have been inappropriate, there was nothing to suggest that this was behaviour was lacking in integrity or dishonest. Equally, in relation to Allegation 3b, the panel noted that, the text exchange that it had seen between Mr Ryan and [REDACTED], was indicative of a frank disclosure relating to his device, and by implication his data usage. It therefore did not consider that a lack of integrity or dishonesty had been established, noting that if Mr Ryan’s data usage was professionally inappropriate, it would have been highly unlikely that the School would have increased his data allowance.

The panel considered that Allegations 4a and 4eii were again, strictly factual, and not within the scope of what could properly be considered as dishonest or lacking in integrity.

The panel did consider that Allegation 4d warranted further consideration. It noted that the hearsay evidence of [REDACTED], was that the intentions were “altruistic” and motivated by the “common good of the Catholic education within the Diocese”. It also



again noted, that whilst within the investigative report, it had been said that the School was “being drained of resources” and it was unclear as to the veracity of this assertion, it ultimately did not see any attempt at concealment or dishonesty in relation to this matter.

The panel did however consider that this behaviour amounted to a lack of integrity. It noted that whilst Mr Ryan’s motivations may have been altruistic, the conduct was within the realms of financial impropriety. Notably, the panel identified that it had seen evidence that during a prior arrangement with a different school, the School had operated a recharge system where it was compensated for the services that Mr Ryan had provided to the other school. It therefore felt that it could infer that a situation where there was no charge, and effectively no clear financial demarcation between the resources of the respective schools, was not a proper way to engage with this type of arrangement. It therefore determined that there was a lack of integrity in respect of this allegation.

The panel therefore found a lack of integrity in respect of Allegations 2c, 2Fiii and 4d. It also determined that Mr Ryan had acted dishonestly in respect of Allegations 2c and 2Fiii.

### **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute**

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour
- 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 also considered whether Mr Ryan’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that none of these offences were relevant.

The panel found Mr Ryan's involvement in the recruitment, performance reviews, pay decisions and promotions in respect of Individual A, Individual B and Individual C proved. It did not find that this fell short of the standard expected of a teacher, given the lack of evidence of any impropriety in relation to these actions. It equally did not feel that the utility of school resources to procure yachting clothing, incurring excessive roaming charges, or running a partnership when there was no multi-academy trust in place, fell short of the standard expect when considered in the context of this case, due to the lack of any improper intention that could be found in relation to these issues.

The panel formed the view that the appointment of Individual A to the position of Head of School, when they lacked Qualified Teacher Status and sufficient expertise, was indicative of poor judgment by Mr Ryan, however it did not consider that it amounted to serious misconduct.

The panel noted that the provision of services to the primary schools which was directly funded by the School fell short of the expected standard of Mr Ryan. However, it did not find it to be a significant falling short, noting that Mr Ryan was managing a financial surplus within the School budget and he did appear to be motivated by need to assist schools that were struggling. It was recognised that this also connected directly to Mr Ryan's role as an executive headteacher, and so the allegations pertaining to his salary were also not deemed by the panel to amount to unacceptable professional conduct.

The panel found that Mr Ryan's lack of disclosure in relation to his connection to Individual A was dishonest. It also noted that this dishonest conduct had occurred on multiple occasions in that he had not made the appropriate declarations at any point despite numerous opportunities to do so. The panel also considered that Mr Ryan's conduct had been dishonest when he had falsely advised the Governors Pay Committee that Individual A's professional targets had been met. The panel was of the view that the financial impropriety and dishonesty in relation to these issues was serious and fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Ryan was guilty of unacceptable professional conduct.

In relation to whether Mr Ryan's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents

and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel formed the view that its findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr Ryan's status as a teacher, potentially damaging the public perception. It noted that Mr Ryan had misrepresented the professional performance of Individual A to the Governors of the School, and that this would undermine the trust and accountability that is placed upon a Headteacher as a figure within the school and the wider community.

The panel therefore found that Mr Ryan's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1a, 1b, 1c, 2a, 2b, 2c, 2e, 2fiii, 3b, 3d, 4a, 4d, 4eii and 5, proved, the panel further found that Mr Ryan's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute 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 maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct within the teaching profession;
- 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 Ryan which involved dishonesty pertaining to a failure to declare his connection to Individual A and a dishonest reporting of their career objectives being met, there was a strong public interest consideration in respect of all of the considerations as set out above.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Ryan in the profession.

The panel decided that there was a public interest consideration in retaining Mr Ryan in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. The panel noted that it had seen evidence of Mr Ryan being an effective professional within the School environment, and that as headteacher the attainment and the achievement of the pupils had excelled, with the School being ranked within the top 100 non-selective schools in England during his tenure.

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 Ryan.

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 Ryan. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty or 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 determined that there was no evidence that Mr Ryan's actions were not deliberate. There was also no evidence to suggest that Mr Ryan was acting under duress.

The panel however noted that Mr Ryan had shown high standards in both personal and professional conduct and that he had contributed significantly to the education sector, acting not just within the School, but also within the wider Diocesan area. It was noted that the panel had documentation referring to Mr Ryan having made an "Outstanding" contribution towards Catholic education.

The panel was also advised that Mr Ryan was of previous good character and had not been subject to any prior disciplinary proceedings or warnings.

The panel noted that in a job reference from 2000, Individual D had characterised Mr Ryan as a "Talented teacher who developed a range of strategies" who had made a "significant contribution to the development of the science curriculum". It also noted that Individual E within her job reference had referred to the fact "under his leadership the science department had been...successful". It was also noted that Individual F had referred to Mr Ryan's "Enormous generosity" in respect of his assistance to [REDACTED] and the panel considered that Mr Ryan was likely held in a positive regard by members of the Diocesan Educational community.

The panel noted Mr Ryan's reflective position in relation to his dishonest declarations. It considered the fact that he asserted "I shouldn't have said it" in relation to the instance where he misled the Pay Committee as directly reflective of Mr Ryan as an insightful professional.

The panel was mindful that it had made findings of dishonesty in respect of Mr Ryan's actions. It was however careful to consider that when considering what sanction if any to impose, it should not approach the issue of dishonesty in a binary way. It considered that the dishonesty found proved in respect of Mr Ryan was of a less serious nature than other types of dishonest conduct. The panel noted that the dishonesty to the Pay Committee had only occurred on one occasion. It also noted that it had seen no evidence of favouritism as a motivating factor for Mr Ryan's behaviour. The panel made the observation that the personal relationship that was not disclosed by Mr Ryan was a hobby-related personal connection; there was no evidence that the relationship was more significant than that. It also again considered that Mr Ryan's contrition was directly relevant, noting that he stated during his evidence "on reflection I should've seen it was part of getting my job done" in relation to his lack of disclosure.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

The panel therefore made no recommendation for a prohibition order.

## **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 sanction.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven and / or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Markus Ryan should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour
- 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 Ryan fell significantly short of the standards expected of the profession.

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 unacceptable professional conduct or conduct likely to bring the profession into disrepute, 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 Ryan, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case the panel did not comment on the extent to which a prohibition order would protect children and/or safeguard pupils.

I have taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel noted Mr Ryan's reflective position in relation to his dishonest declarations. It considered the fact that he asserted "I shouldn't have said it" in relation to the instance where he misled the Pay Committee as directly reflective of Mr Ryan as an insightful professional." I have given this element some 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ryan were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of dishonesty 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 unacceptable professional conduct or conduct likely to bring the profession into disrepute, 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 Ryan himself and the panel comment “The panel however noted that Mr Ryan had shown high standards in both personal and professional conduct and that he had contributed significantly to the education sector, acting not just within the School, but also within the wider Diocesan area. It was noted that the panel had documentation referring to Mr Ryan having made an “Outstanding” contribution towards Catholic education.”

A prohibition order would prevent Mr Ryan 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.

I have carefully considered the panels findings on insight and remorse, including “The panel considered that in relation to Allegation 2Fiii, Mr Ryan had again shown contrition and stated during his live evidence that he was “wrong to say that all were met”.

In this case, I have also placed considerable weight on the panel’s comments, “The panel was mindful that it had made findings of dishonesty in respect of Mr Ryan’s actions. It was however careful to consider that when considering what sanction if any to impose, it should not approach the issue of dishonesty in a binary way. It considered that the dishonesty found proved in respect of Mr Ryan was of a less serious nature than other types of dishonest conduct. The panel noted that the dishonesty to the Pay Committee had only occurred on one occasion. It also noted that it had seen no evidence of favouritism as a motivating factor for Mr Ryan’s behaviour. The panel made the observation that the personal relationship that was not disclosed by Mr Ryan was a hobby-related personal connection; there was no evidence that the relationship was more significant than that. It also again considered that Mr Ryan’s contrition was directly relevant, noting that he stated during his evidence “on reflection I should’ve seen it was part of getting my job done” in relation to his lack of disclosure.”

I have also placed considerable weight on the finding “The panel decided that there was a public interest consideration in retaining Mr Ryan in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. The panel noted that it had seen evidence of Mr Ryan being an effective professional within the School environment, and that as headteacher the attainment and the achievement of the pupils had excelled, with the School being ranked within the top 100 non-selective schools in England during his tenure.”

I have given considerable weight in my consideration of sanction therefore, to the contribution that Mr Ryan has made to the profession.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were



not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a stylized, cursive script.

**Decision maker: Sarah Buxcey**

**Date: 14 November 2024**

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