



Teaching
Regulation
Agency

Mr Ryan Benney (formerly Mr Liam Taylor)

Professional conduct panel meeting outcome

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

October 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	12

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

Teacher:	Mr Ryan Benney
Teacher ref number:	3370636
Teacher date of birth:	25 April 1988
TRA reference:	0020239
Date of determination:	22 October 2024 (amended on 16 December 2024)
Former employer:	Whitleigh Primary School and Sir John Hunt Community Sports College, Plymouth (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 22 October 2024 and on 16 December 2024 to consider the case of Mr Benney.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Ms Debra Vaughan (lay panellist) and Mrs Karen Graham (teacher panellist).

The legal adviser to the panel was Miss Elizabeth Gilbert 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 Benney that the allegation be considered without a hearing. Mr Benney provided a signed statement of agreed facts and admitted he had been convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer or Mr Benney.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the Notice of Meeting dated 9 July 2024.

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

1. On 5 July 2023, Mr Benney was convicted for the offence of 3 counts of Making Indecent Photograph or Pseudo-Photograph of Children contrary to the Protection of Children Act 1978 s.1 (a).

Mr Benney admitted having been convicted of the above offence and that this constituted a conviction of a relevant offence.

Preliminary applications

The panel considered paragraph 4 of the presenting officer's representations dated 23 April 2024, which stated that the allegation within the statement of agreed facts had a minor amendment to reflect the correct sections of the Protection of Children Act 1978. The amendment was to insert "and 6" at the end of allegation 1, so that the allegation reads as follows:

"On 5 July 2023, you were convicted for the offence of 3 counts of Making Indecent Photograph or Pseudo-Photograph of Children contrary to the Protection of Children Act 1978 s.1 (a) and 6."

The panel therefore considered whether to amend allegation 1 in the Notice of Meeting dated 9 July 2024 to reflect the wording in the statement of agreed facts.

The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher. The panel acknowledged that the amendment was proposed by the presenting officer in an email to Mr Benney on 27 March 2024. Thereafter, Mr Benney signed the statement of agreed facts on 3 April 2024 which included the proposed amended wording to allegation 1.

The panel had regard to the presenting officer's representations, that the amendment was required to correct the wording of the allegation so that this aligned with the legislation in relation to Mr Benney's conviction. The panel considered the certificate of conviction from Plymouth Crown Court which confirmed that the offence against Mr Benney referred to section 6 of the Protection of Children Act 1978.

The panel considered that the amendment proposed was a correction of a typographical error. The panel determined that there was no prospect of Mr Benney's case being presented differently had the amendment been made at an earlier stage, and therefore no prejudice or unfairness was caused. The panel therefore decided to amend the allegation as proposed.

Summary of evidence

Documents

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

Section 1: Chronology and key people list – pages 3 to 4

Section 2: Notice of referral and response to notice of referral – pages 5 to 13

Section 3: Statement of agreed facts and presenting officer's representations – pages 14 to 16

Section 4: Teaching Regulation Agency documents – pages 17 to 85

Section 5: Teacher's documents – pages 86 to 93

The panel members confirmed they read all the documents in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts dated 3 April 2024, signed by Mr Benney.

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 Benney for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Introduction

Mr Benney was employed as a teacher at the School from 1 September 2011 until 19 May 2022.

Mr Benney was arrested on 23 August 2021.

Findings of fact

The findings of fact are as follows:

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

1. On 5 July 2023, you were convicted for the offence of 3 counts of Making Indecent Photograph or Pseudo-Photograph of Children contrary to the Protection of Children Act 1978 s.1 (a) and 6.

Mr Benney admitted the allegation in the statement of agreed facts dated 3 April 2024.

The panel was presented with a certificate of conviction from Plymouth Crown Court, confirming that Mr Benney was convicted on 5 July 2023 of the offence particularised in this allegation. The panel noted that Mr Benney was convicted under an alternative name, being Liam Taylor, and thereafter changed his name as confirmed in the statement of agreed facts dated 3 April 2024.

Mr Benney was sentenced on 10 August 2023 to a total of:

- 6 months imprisonment, suspended for 18 months;
- 18 months supervision period;
- 30 days of rehabilitation activity requirement;
- register with the police for 7 years;
- sexual harm prevention order for 7 years; and
- surcharge of £115.

The panel was presented with the transcript of the sentencing remarks dated 10 August 2023, summarising the offence and the reason for the sentence imposed.

The panel considered that Mr Benney had provided no further evidence to persuade the panel that there were any exceptional circumstances to call into question the facts necessarily implied by the conviction. The panel therefore accepted the certificate of conviction as conclusive proof of the commission of this offence by Mr Benney.

The panel therefore found the allegation proven.

Findings as to conviction of a relevant offence

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

The panel was satisfied that the conduct of Mr Benney, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2 of the Teachers' Standards, Mr Benney 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:
 - showing tolerance of and respect for the rights of others; and
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Mr Benney's actions were relevant to teaching, working with children and working in an education setting, as Mr Benney's conviction relates to indecent photographs of children.

The panel noted the behaviour involved in committing the offence would have an impact on the safety and security of pupils and members of the public given the harm caused to children by the creation of the indecent photographs.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Benney's behaviour in committing the offence would likely impact public confidence in the teaching profession, if Mr Benney was allowed to continue teaching.

The panel noted that Mr Benney's behaviour ultimately led to a sentence of imprisonment (albeit that it was suspended), which was indicative of the seriousness of the offence committed, and which the Teacher Misconduct: The Prohibition of Teachers (the "Advice") states is likely to be considered "a relevant offence".

This was a case concerning an offence involving indecent photographs or pseudo photographs of children. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

[REDACTED]

The panel saw no evidence in relation to Mr Benney's previous ability as a teacher. Even had the panel seen such evidence, the panel found the seriousness of the offending behaviour that led to the conviction was relevant to Mr Benney's fitness to be a teacher.

The panel considered a finding that this conviction was 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, any mitigation offered by Mr Benney 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
- the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Benney, which involved a conviction of a relevant offence, there was an extremely strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public. The serious findings relating to indecent photographs of children against Mr Benney raises significant public and child protection concerns.

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

The panel concluded there was not a public interest consideration in retaining Mr Benney in the profession. The panel considered the adverse public interest considerations above outweighed any interest in retaining Mr Benney in the profession, given the nature of the

allegations in this case, regardless of whether there had been any evidence that Mr Benney ought to be regarded as an exceptional teacher.

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 Benney.

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;
- 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;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents; and
- 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 Keeping Children Safe In Education).

The panel attached appropriate weight and seriousness to the conduct found proven, given the conviction related to online behaviour including online misconduct and facilitating online abuse. This was especially relevant to Mr Benney's circumstances, as he was a computer science teacher at the School, meaning he was uniquely positioned to understand the dangers of his online behaviour.

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, 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 the mitigation offered by Mr Benney.

The panel considered that Mr Benney's actions were deliberate. In particular, the panel had regard to the following statement from the sentencing remarks dated 10 August 2023 which specifically stated that Mr Benney's offence was deliberate:

"the searches that you were using, you were deliberately, at some stage, searching for these items"

The panel acknowledged there was no evidence to suggest that Mr Benney was acting under extreme duress, such as due to a physical threat or significant intimidation.

There was no evidence of Mr Benney having demonstrated exceptionally high standards in professional conduct or of having contributed significantly to the education sector. Similarly, the panel saw no evidence that showed Mr Benney was previously subject to disciplinary proceedings or warnings.

The panel were not provided with any character references regarding Mr Benney, albeit Mr Benney indicated that these could be provided.

The panel considered Mr Benney's behaviour was mitigated by the following factors:

- Mr Benney pleaded guilty to the offence and to the allegation presented by the TRA, meaning he has taken accountability for his actions;
- Mr Benney provided a statement of mitigation which outlined the steps he has taken to rehabilitate himself, including [REDACTED], purchasing textbooks to educate himself on pornography and participating in a 10 week Lucy Faithfull Foundation course. However, the panel noted it had not seen evidence of its effectiveness; and
- [REDACTED]

Notwithstanding the above, the panel considered there to also be the following aggravating factors in relation to Mr Benney's behaviour:

- Mr Benney attempted to conceal his offence in multiple ways, such as by the use of different identities. It is therefore likely that Mr Benney would have continued to offend if he had not been caught;
- As outlined in the sentencing remarks dated 10 August 2023, Mr Benney's offence involved "a large number of victims" and "the period involved is February 2020 and June 2021" highlighting the harm that Mr Benney inflicted to children over a long period of time; and
- Mr Benney's role as a computer science teacher meant he would have been very aware of the dangers of accessing indecent images of children.

In balancing the above factors, the panel considered that the aggravating factors of Mr Benney's behaviour and the seriousness of the offence outweighed the mitigation

provided. The panel therefore determined that there remained a risk of Mr Benney repeating his behaviour.

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 Benney 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 Benney. The seriousness of the conduct and the harm caused to multiple children over a long period of time was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate 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 panel considered the list of behaviours at paragraph 50 of the Advice. 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 any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents. The panel found these behaviours to be relevant as Mr Benney had been convicted of an offence relating to indecent photographs of children.

Whilst the panel acknowledged Mr Benney's mitigation statement outlined a number of factors relevant to his potential rehabilitation, the panel determined that there was insufficient evidence to confirm that this would have any impact on Mr Benney's behaviour.

Given the seriousness of the offence, the number of victims, and Mr Benney's attempts to conceal his actions, the panel decided that the findings indicated a situation in which a review period would not be appropriate. As such, the panel 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 Ryan Benney should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Benney 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:
 - showing tolerance of and respect for the rights of others; and
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Benney involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

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

The findings of misconduct are particularly serious as they include a relevant conviction for the offence of 3 counts of Making Indecent Photograph or Pseudo-Photograph of Children resulting in a custodial sentence (albeit suspended).

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher.

I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Benney, 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 observes that:

“In light of the panel’s findings against Mr Benney, which involved a conviction of a relevant offence, there was an extremely strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public. The serious findings relating to indecent photographs of children against Mr Benney raises significant public and child protection concerns.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“Whilst the panel acknowledged Mr Benney’s mitigation statement outlined a number of factors relevant to his potential rehabilitation, the panel determined that there was insufficient evidence to confirm that this would have any impact on Mr Benney’s behaviour.”

In my judgement, the lack of evidence that any insight attained by Mr Benney would impact his future actions means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that “Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Benney were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a teacher accessing indecent photographs of children in this case and the likely negative impact that such a finding may have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Benney himself. The panel comments that:

“There was no evidence of Mr Benney having demonstrated exceptionally high standards in professional conduct or of having contributed significantly to the education sector. Similarly, the panel saw no evidence that showed Mr Benney was previously subject to disciplinary proceedings or warnings.

The panel were not provided with any character references regarding Mr Benney, albeit Mr Benney indicated that these could be provided.”

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

In this case, I have placed considerable weight on the very grave nature of the misconduct found by the panel which, in my judgment, is incompatible with working as a teacher.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Benney has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel’s concluding comments:

“Whilst the panel acknowledged Mr Benney’s mitigation statement outlined a number of factors relevant to his potential rehabilitation, the panel determined that there was insufficient evidence to confirm that this would have any impact on Mr Benney’s behaviour.

Given the seriousness of the offence, the number of victims, and Mr Benney’s attempts to conceal his actions, the panel decided that the findings indicated a situation in which a review period would not be appropriate. As such, the panel

decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a 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 I concur with the panel that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found by the panel, and specifically that of a teacher receiving a criminal conviction for behaviour involving the accessing of indecent images of children over an extended period of time.

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 Ryan Benney 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 allegation found proved against him, I have decided that Mr Benney 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 Benney has a right of appeal to the King’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 5 November 2024

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