



Teaching
Regulation
Agency

Mr Brendon Fallows: Professional conduct panel meeting outcome

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

December 2024

Contents

| | |
|--|----|
| Introduction | 3 |
| Allegations | 4 |
| Preliminary applications | 4 |
| Summary of evidence | 4 |
| Documents | 4 |
| Statement of agreed facts | 5 |
| Decision and reasons | 5 |
| Findings of fact | 5 |
| Panel's recommendation to the Secretary of State | 10 |
| Decision and reasons on behalf of the Secretary of State | 14 |

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

| | |
|-------------------------------|-------------------------------------|
| Teacher: | Mr Brendon Fallows |
| Teacher ref number: | 1157978 |
| Teacher date of birth: | 30 May 1987 |
| TRA reference: | 22928 |
| Date of determination: | 18 December 2024 |
| Former employer: | Lady Bay Primary School, Nottingham |

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 18 December 2024 by way of a virtual meeting, to consider the case of Mr Brendon Fallows.

The panel members were Ms Jackie Hutchings (teacher panellist – in the chair), Mr Jeremy Phillips KC (lay panellist) and Ms Samantha Haslam (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Fallows that the allegations be considered without a hearing. Mr Fallows provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Katherine Hannigan of St Ives Chambers, Mr Fallows or any representative for Mr Fallows.

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

Allegations

The panel considered the allegations set out in the notice of meeting dated 24 September 2024.

It was alleged that Mr Fallows was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a class teacher and maths lead at Lady Bay Primary School between 1 September 2013 and 12 December 2023:

1. He engaged in inappropriate and/or unprofessional behaviour on or around 5 October 2023, by;
 - a. Accessing staff member A's personal mobile phone without their consent;
 - b. Attempting to send a personal video from staff member A's personal mobile phone via WhatsApp to his own personal mobile phone without their consent.
2. His conduct as may be found proven at allegation 1 lacked integrity and/or was dishonest.

Mr Fallows admitted the facts of allegations 1.a, 1.b and 2 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the statement of agreed facts signed by Mr Fallows on 6 August 2024.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology – page 5
- Section 2: Notice of referral, response and notice of meeting– pages 7 to 23a
- Section 3: Statement of agreed facts and presenting officer representations – pages 24 to 29
- Section 4: TRA documents – pages 31 to 149

- Section 5: Teacher documents – pages 152 to 185

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

Statement of agreed facts

The panel considered a statement of agreed facts signed by Mr Fallows on 6 August 2024 and subsequently signed by the presenting officer on 16 August 2024.

Decision and reasons

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

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

In September 2013, Mr Fallows commenced employment at Lady Bay Primary School (“the School”). Mr Fallows was employed as a class teacher and maths lead at the School and held a position of authority and responsibility.

On 5 October 2023, Mr Fallows allegedly accessed staff member A’s mobile phone without consent and attempted to send an explicit, intimate video to his own personal mobile.

On 6 October 2023, staff member A reported the allegation to Individual A, [REDACTED]. Mr Fallows was sent home, and a referral was made to the Local Authority Designated Officer (“LADO”).

Mr Fallows was suspended on 12 October 2023.

On 12 December 2023, Mr Fallows was dismissed.

On 14 December 2023, the matter was referred to the TRA.

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 engaged in inappropriate and/or unprofessional behaviour on or around 5 October 2023, by;**
 - a. Accessing staff member A's personal mobile phone without their consent;**
 - b. Attempting to send a personal video from staff member A's personal mobile phone via WhatsApp to your own personal mobile phone without their consent.**

The panel noted that Mr Fallows admitted this allegation. Notwithstanding this, the panel considered the evidence presented to it and made a determination.

The panel considered the screenshots of the WhatsApp profile and deleted messages.

The panel considered the notes from the investigation meeting with staff member A on 18 October 2023, which staff member A confirmed as an accurate record by printing her name as a signature.

In the notes, staff member A stated that she was in the office for her PPA time, and Mr Fallows was sitting at a desk behind her, coming in and out. She said that at 2:15 pm, she went to teach Mr Fallows' class and left her coat with her phone in the pocket in the office, as she had always done, as it was locked.

Staff member A stated that the office was at the top of some stairs, locked with a key code that can only be accessed by staff members.

Staff member A stated that she taught Mr Fallows' class between 2:15pm and 3:25 pm and dismissed the class at the end of the day. She stated that she spoke to Mr Fallows about the test she had just done with his class when she returned back to the office, and at around 3:35pm, she took her marking down to her classroom.

Staff member A stated that she took her coat and belongings with her but did not look at her phone until 5:15pm, when she saw that a WhatsApp message had been sent that did not have a recognised number. She stated that there was no name on the number and that, as you normally need to have the number saved, she was confused. Staff member A stated that she first thought that it was a mistake and that maybe she sat on her phone but realised that it is quite hard to send a video to a specific number of someone who happens to work at your school. Staff member A stated that she saw the message and didn't know that it was Mr Fallows' number straight away, as she hadn't seen Mr Fallows' number before.

Staff member A stated that she saw a video that had failed to be sent, so she deleted it immediately so that it couldn't be sent. She stated that she saw a red exclamation mark next to it and was "*freaking out a bit*". Staff member A said that she wondered if she could have accidentally pressed something but saw the time the message tried to send

was 3:16pm. Staff member A then remembered that she knew what she was doing at that time as she was teaching Mr Fallows' class and her phone was up in the office where she had been for her PPA time.

Staff member A stated that the video looked like it was one of hers as "*she could see skin*", and it was something that she would not want people to see, so she "*deleted it so quickly*". She stated that she didn't actually watch the video, so she did not know exactly what it was.

Staff member A stated that she could see the WhatsApp picture in the chat, and it looked like Mr Fallows, but she was unsure as it looked like "*quite an old picture*". Staff member A stated that she was shocked and took a lot of screenshots.

Staff member A stated that she would not have left her phone unlocked and that if she had left it unlocked, it would have locked itself. She stated that Mr Fallows might have known that her phone was in her pocket, as once before, he had to turn an alarm off on her phone.

The panel considered the notes of the investigation interview with Mr Fallows, which he confirmed was an accurate record by signing. Mr Fallows stated that Staff member A's phone was in her coat pocket on the back of a chair. He stated that it was clear to see it hanging and that the phone was holding the pocket open and he "*did not rummage or search*".

Mr Fallows stated that he guessed Staff member A's phone password using her Instagram username and he guessed the year. He stated that he just tried her date of birth as her phone password and "*got in the first or second time*".

Mr Fallows stated that he had just looked at photos and videos and that there was a thumbnail of a video on her phone, and he had tried to send it to himself on his phone.

The panel considered allegations 1.a. and 1.b proven.

2. Your conduct as may be found proven at allegation 1 lacked integrity and/or was dishonest.

The panel noted that Mr Fallows admitted this allegation in the statement of agreed facts, signed by Mr Fallows on 6 August 2024. However, it considered the evidence presented and made a determination.

The panel considered whether Mr Fallows had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel was provided with evidence that Mr Fallows had taken staff member A's phone when she was not present and without her consent. He stated he had guessed the

password and proceeded to go through her photos and videos and sent an intimate video of her to himself.

The panel was mindful that professionals are not expected to be “*paragons of virtue*”. However, on examination of the documents, the panel was satisfied that Mr Fallows had failed to act within the higher standards expected of a teacher. The panel was therefore satisfied that Mr Fallows’ conduct, as found proven, lacked integrity.

The panel then considered whether Mr Fallows had acted dishonestly. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel was assisted by guidance from the case of *Wingate & Anor v The Solicitors Regulation Authority*, which states “*honesty is a basic moral quality which is expected of all members of society. It involves being truthful about important matters [...] Telling lies about things that matter [...] [is] generally regarded as dishonest conduct [...] The legal concept of dishonesty is grounded upon the shared values of our multi-cultural society. Because dishonesty is grounded upon basic shared values, there is no undue difficulty in identifying what is or is not dishonest.*”

The panel firstly sought to ascertain the actual state of Mr Fallows’ knowledge or belief as to the facts. The panel concluded that Mr Fallows knew that what he was doing was dishonest in that he had not received consent from staff member A to go on her phone and send himself a video.

The panel also concluded that considering Mr Fallows’ decade-long tenure at the School and his role in the senior leadership team, it was evident that he was aware his actions were dishonest.

The panel considered that Mr Fallows had undoubtedly been dishonest and that his conduct was plainly and fundamentally a dishonest act which would be considered dishonest by the standards of ordinary, decent people.

The panel, therefore, concluded that Mr Fallows had acted dishonestly, both subjectively and objectively.

The panel found allegation 2 proven.

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

Having found 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 Fallows in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Fallows 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
 - ...building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect...
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach....
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Fallows fell significantly short of the standards expected of the profession.

In particular, Mr Fallows, as a member of the senior leadership team, who had been employed by the School for ten years, would have been aware that his conduct breached the School's Code of Conduct.

Staff member A should reasonably have been able to expect to leave personal items in a locked office and not for a senior member of staff within the teaching profession to then enter her passcode and access her phone without consent.

The panel noted that the only explanation given for Mr Fallows' behaviour was that he had some attraction to staff member A and that his personal and professional circumstances had impacted on his behaviour.

Therefore, the panel was satisfied that the conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Fallows' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

This was a case involving the following offences that the Advice states are likely to be considered a relevant offence. The panel found that voyeurism (including upskirting),

revenge pornography (sharing private, sexual materials, either photos or videos, of another person without their consent) and fraud or serious dishonesty, were relevant.

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

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(a), 1(b) and 2 based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

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

The panel took into account the way the teaching profession is viewed by others and 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 they behave.

The panel found that such misconduct towards a junior colleague would likely harm the public's confidence in the teaching profession, as teamwork among teachers is a vital element of teaching as a professional and that the public would require all members of the profession to have respect for their fellow teachers.

The panel concluded that the public could be deeply concerned about the conduct found proved.

The findings of misconduct were very serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the teaching profession.

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

Having found the facts of particulars 1.a, 1.b and 2 proved, the panel further found that Mr Fallows' 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 safeguarding and wellbeing of pupils and the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mr Fallows, which involved him acting dishonestly and without integrity by accessing staff member A's personal mobile phone without her consent and attempting to send an intimate video from her phone to his own via WhatsApp, there was a strong public interest consideration in declaring and upholding the proper standards of conduct.

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

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

The panel decided that there was a public interest consideration in retaining Mr Fallows 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 Mr Fallows was an experienced maths teacher at a primary school. Therefore, there was a significant public interest in retaining him in the profession due to the need for experienced maths teachers.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Fallows. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Fallows. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature;
- ... deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- dishonesty or a lack of integrity...

The panel considered whether Mr Fallows posed a continuing risk. It noted that there had been no previous decisions by the TRA relating to Mr Fallows and no other School misconduct had been alleged. The panel also noted that Mr Fallows had provided some limited evidence of insight and, therefore, the panel concluded that the risk of future repetition was to some extent limited.

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

There was no evidence that Mr Fallows' actions were not deliberate. The panel found his actions intentional.

There was no evidence to suggest that Mr Fallows was acting under extreme duress, and, in fact, the panel found Mr Fallows' actions to be calculated and motivated. Mr Fallows had deliberately accessed staff member A's phone by using her Instagram to find her date of birth and then guessing her phone password.

There was evidence that Mr Fallows contributed to the education sector and was a competent educator. However, there was no evidence that Mr Fallows demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

The panel considered that Mr Fallows had demonstrated remorse. In particular, the panel considered the undated written statement from Mr Fallows whereby he explained that he had "*allowed curiosity to be overtaken by adrenaline and complete lack of judgement or awareness of impact and consequence*". Further, Mr Fallows stated, "*[he was] aware of the deep impact [his] behaviour has had and will be likely to continue to have on the*

victim of [his] actions, as well as the school. It is clear that [he] violated the trust and privacy of the victim, which will have caused a staggering amount of upset, anger and mistrust, as well as breaking the sense of safety in the workplace”.

The panel considered that Mr Fallows had demonstrated some insight. In particular, the panel considered the undated written statement of Mr Fallows, which stated that he had spent a great deal of time in reflection and confidential discussion around this, [REDACTED].

The panel considered the written statement of Mr Fallows, which stated that he was acting out of character and became carried away by impulse and a lack of reasoning at a time when he was [REDACTED].

[REDACTED].

The panel considered character references from the following individuals on behalf of Mr Fallows:

- Individual B, [REDACTED]
- Individual C, [REDACTED]
- Individual D, [REDACTED]
- Individual E, [REDACTED]

The panel noted the following comments in particular:

- *“Brendon is a committed teacher who has worked at Lady Bay Primary for ten years. He has positive relationships with the staff and the children, and parents like him”*
- *“He is an approachable person and has offered support to staff when needed.”*

The panel observed that many of the above statements were unsigned and, and that all statements lacked a declaration of truth. The panel was unclear whether the character referees were informed of the specific allegations to be determined by the panel. Therefore, the panel took all these factors into account when deciding how much weight to place on these.

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.

In reaching its decision, the panel considered the case of *Wallace v Secretary of State for Education [2017]*.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Fallows of prohibition.

The panel concluded that a less intrusive measure of this nature would not be appropriate in these circumstances, given the severity of the misconduct and that mere publication would not strike the correct balance between Mr Fallows' rights and the interests of the public.

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 Fallows. The nature, severity and seriousness of Mr Fallows' behaviour was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these behaviours to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes serious dishonesty. The panel found that Mr Fallows was responsible for accessing staff member A's personal mobile phone without her consent and attempting to send an intimate video from her phone to his own via WhatsApp.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years. Although the panel considered Mr Fallows' behaviour to be serious, it also recognised the strong public interest in having a senior maths teacher in the profession, and his significant remorse for his actions. It also noted that there had been no previous decisions by the TRA relating to Mr Fallows and no evidence of other School misconduct had been alleged.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute

The panel has made a recommendation to the Secretary of State that Mr Brendon Fallows should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mr Fallows 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
 - ...building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect...
 - showing tolerance of and respect for the rights of others
- 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 Fallows fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding that Mr Fallows engaged in unprofessional behaviour towards a more junior colleague by accessing the colleague's personal phone and attempting to send a personal video from the phone without consent. The panel found this conduct to be lacking in integrity and dishonest.

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 Fallows, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, the misconduct found proven involved a colleague rather than children or pupils. However, the panel has observed that the offences of “voyeurism (including upskirting), revenge pornography (sharing private, sexual materials, either photos or videos, of another person without their consent) and fraud or serious dishonesty are relevant.” 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 remorse and insight. The panel has found that Mr Fallows had demonstrated remorse and “some” insight. In relation to insight, the panel has commented that it “considered the undated written statement of Mr Fallows, which stated that he had spent a great deal of time in reflection and confidential discussion around this, [REDACTED]” The panel has also commented that “Mr Fallows had provided some limited evidence of insight and, therefore, the panel concluded that the risk of future repetition was to some extent limited.” I have therefore 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 has observed that “such misconduct towards a junior colleague would likely harm the public’s confidence in the teaching profession, as teamwork among teachers is a vital element of teaching as a professional and that the public would require all members of the profession to have respect for their fellow teachers.” 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 Fallows himself. The panel has commented “Mr Fallows was an experienced maths teacher at a primary school.

Therefore, there was a significant public interest in retaining him in the profession due to the need for experienced maths teachers.” The panel has also commented “There was evidence that Mr Fallows contributed to the education sector and was a competent educator. However, there was no evidence that Mr Fallows demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.” The panel considered 4 character references on behalf of Mr Fallows but noted that “many of the above statements were unsigned and, and that all statements lacked a declaration of truth.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the nature, severity and seriousness of Mr Fallows’ behaviour which was found to be lacking in integrity and dishonest. The panel has commented that “Mr Fallows, as a member of the senior leadership team, who had been employed by the School for ten years, would have been aware that his conduct breached the School’s Code of Conduct.” The panel has also commented that “In light of the panel’s findings against Mr Fallows, which involved him acting dishonestly and without integrity by accessing staff member A’s personal mobile phone without her consent and attempting to send an intimate video from her phone to his own via WhatsApp, there was a strong public interest consideration in declaring and upholding the proper standards of conduct.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Fallows has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight, 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 a 2-year review period.

I have considered the panel’s comments that “The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes serious dishonesty. The panel found that Mr Fallows was responsible for accessing staff member A’s personal mobile phone without her consent and attempting to send an intimate video from her phone to his own via WhatsApp.”

I have also considered the panel's comments that "Although the panel considered Mr Fallows' behaviour to be serious, it also recognised the strong public interest in having a senior maths teacher in the profession, and his significant remorse for his actions. It also noted that there had been no previous decisions by the TRA relating to Mr Fallows and no evidence of other School misconduct had been alleged."

I have agreed with the assessment of the panel and decided that a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Brendon Fallows is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 2 January 2027, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Fallows remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Fallows 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.



Decision maker: David Oatley

Date: 23 December 2024

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