



Teaching
Regulation
Agency

Mr Gerard Heaton: Professional conduct panel meeting outcome

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

April 2025

Contents

Introduction	3
Allegations	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	8
Decision and reasons on behalf of the Secretary of State	12

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

Teacher: Mr Gerard Heaton

Teacher ref number: 9153377

Teacher date of birth: 19 September 1965

TRA reference: 21251

Date of determination: 14 April 2025

Former employer: Theale C of E Primary School, Reading

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 April 2025 by way of a virtual meeting, to consider the case of Mr Gerard Heaton.

The panel members were Mr Paul Burton (lay panellist – in the chair), Mrs Julie Wells (teacher panellist) and Mrs Jane Brothwood (lay panellist).

The legal adviser to the panel was Mr Benjamin Lewins 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 Heaton that the allegations be considered without a hearing. Mr Heaton provided a signed statement of agreed facts and admitted to having been convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Ms Sophie Allen of Kingsley Napley LLP solicitors, Mr Heaton or any representative for Mr Heaton.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 28 January 2025.

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

1. On 18/01/23 at Reading Magistrates court 3 counts of:
 - a. Making indecent photograph or pseudo-photograph of children on 03/02/15 – 02/02/22 Protection of Children Act 1978 s.1(a)
2. On 31/03/23 at Reading Crown Court:
 - a. Publish obscene article on 14/05/21 – 01/04/22 Obscene Publications Act 1959 s.2(1)

Mr Heaton admitted allegations 1(a) and 2(a), as set out in the statement of agreed facts, signed by Mr Heaton on 26 November 2024.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 5 to 6
- Section 2: Notice of referral and response – pages 7 to 18
- Section 3: Statement of agreed facts – pages 19 to 20
- Section 4: TRA documents – pages 21 to 318
- Section 5: Teacher documents – pages 319 to 345

The panel also considered written submissions relating to the presenting officer's application to amend the first allegation, with supporting documents consisting of a copy of the Procedures and an email dated 10 April 2025 from the presenting officer to Mr Heaton informing him that the application would be made.

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

In the consideration of this case, the panel had regard to the Procedures.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Heaton on 26 November 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Between 2015 and 2022, Mr Heaton worked at various schools as a supply teacher via West Berkshire Council, including Theale Primary School ('the School').

On 12 May 2022 Mr Heaton was arrested. He was convicted on 18 January 2023 for three counts of making indecent photograph or pseudo-photograph of children, and he was convicted on 31 March 2023 for publishing an obscene article.

The matter was referred to the TRA on 14 November 2022.

Findings of fact

The findings of fact are as follows:

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

- 1. On 18/01/23 at Reading Magistrates court you were convicted on 3 counts of:**
 - a. Making indecent photograph or pseudo-photograph of children on 03/02/15 – 02/02/22 Protection of Children Act 1978 s.1(a)**
- 2. On 31/03/23 at Reading Crown Court you were convicted on one count of:**
 - a. Publish obscene article on 14/05/21 – 01/04/22 Obscene Publications Act 1959 s.2(1)**

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Reading Crown Court, which set out that Mr Heaton had been convicted of three counts of making indecent photograph or pseudo-photograph of children on 18 January 2023, and that he had been convicted of publishing an obscene article on 31 March 2023. The panel noted that Mr Heaton pleaded guilty to the offences.

The panel noted that the certificate of conviction was not certified, but was confident it could rely on this as conclusive proof in conjunction with the other evidence in the bundle, including the statement of agreed facts, the PNC and the Crown Court Sentencing Transcript.

In respect of the convictions for making indecent photograph or pseudo-photograph of children, Mr Heaton was sentenced to eight months imprisonment, to engage in rehabilitation for a maximum of 30 days, to have his laptop and iPad forfeited and destroyed, to register with the police for 10 years and to a seven year sexual harm prevention order.

In respect of the conviction for publishing an obscene article, Mr Heaton was sentenced to six months imprisonment and a seven year sexual harm prevention order.

In light of the above, the panel found the allegations proven.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as "the Advice".

The panel first considered whether the conduct of Mr Heaton, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Mr Heaton 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

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- 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 the individual's actions were relevant to teaching, working with children and working in an education setting, as Mr Heaton had been convicted of offences relating to children.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Heaton's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Heaton's behaviour ultimately led to a suspended sentence of imprisonment, which was indicative of the seriousness of the offences committed.

The panel also considered the offences listed on pages 12 and 13 of the Advice.

Allegation 1(a) concerned an offence involving any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, which the Advice states is likely to be considered a relevant offence.

The panel noted that the advice is not intended to be exhaustive and there may be other offences that panels consider to be a "relevant offence". The panel considered the offence of publishing an obscene article was relevant. The panel considered the Court Transcript, which detailed that the sexual activity within the publication was described in a gratuitous manner and included young boys engaging in sexual activities with older men. The panel considered this content to be of a very serious nature and highly relevant to teaching, working with children and/or working in an education setting where safeguarding is paramount. The panel also considered this offence was likely to affect public confidence in the teaching profession and it was therefore a relevant offence.

Although the panel found that the evidence of Mr Heaton's teaching proficiency was of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Heaton's ongoing suitability to teach.

The panel considered that a finding that these convictions were for relevant offences, was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

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

In the light of the panel's findings against Mr Heaton, which involved convictions of relevant offences relating to indecent images, or pseudo-images, of children and obscene publication(s) involving children engaging in sexual activities there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Heaton was 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 Heaton 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 Heaton in the profession. Whilst there is evidence that Mr Heaton had ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Heaton in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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.

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 Heaton.

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;
- 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 disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;
- failure to act on evidence that indicated a child's welfare may have been at risk;
- 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; and
- a deep-seated attitude that leads to harmful behaviour.

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 Heaton's actions were not deliberate.

There was no evidence that Mr Heaton was acting under extreme duress.

The Tribunal noted Mr Heaton's long service as a teacher but considered that he did not demonstrate exceptionally high standards in his personal and professional conduct or

that he had contributed significantly to the education sector. The panel did not accept that the incident was out of character and in doing so had regard to the significant period of time over which Mr Heaton was found to have committed the offences, from 2015 to 2022, which evidenced a pattern of behaviour spanning a significant portion of Mr Heaton's time in the profession.

The panel considered the character reference written by [REDACTED], on behalf of Mr Heaton. The panel noted the following comments in particular:

- “He helped several children with challenging behaviour to remain in the school, when many others would have taken the easier path and excluded them. He made a positive difference to all the children that passed through the school during that period; secondary schools frequently commented on the high capability and good character of pupils from [REDACTED].”
- “We had two Ofsted inspections in that period, which I'm sure your honour will recognise are very thorough processes. Both commented on the highly positive impact of Mr Heaton's leadership, and the safety within the school.”
- “Mr Heaton was very well respected by his peers in other local schools, and his advice was often sought. He willingly gave up much of his free time to help other schools, and to organise and run external events...nothing was too much trouble for him if it would make a positive difference to someone else.”

The panel considered Mr Heaton's experience as a Headteacher and his involvement in positive Ofsted inspections meant he would have been aware of the potential harm and safeguarding harm posed by his actions.

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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Heaton. The seriousness of the convictions, the direct relevance to the teaching profession and the overarching need to safeguard children 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 Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These 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.

As the panel found Mr Heaton had been convicted of a relevant offence relating to possessing indecent images of children, the panel found this to be a relevant factor in favour not offering a review period.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the listed characteristics were engaged by the panel's findings.

The panel considered the letter from [REDACTED] regarding Mr Heaton's [REDACTED] and that Mr Heaton had [REDACTED] to try to get the help he needs. However, the panel noted that Mr Heaton did so on his solicitor's recommendation rather than on his own volition and this was not persuasive mitigation.

The panel considered the written letter from Mr Heaton dated 19 February 2024, where he set out that he complied with [REDACTED], which was a positive experience during which [REDACTED] came to the conclusion that he was managing issues, including: [REDACTED]. Whilst the panel accepted that these were contributing factors to his actions, they did not consider this was helpful mitigation. The panel also noted that nothing in the bundle suggested that Mr Heaton had overcome these difficulties and that they had abated, meaning they remained a factor which increased the risk of his behaviours repeating.

The panel did not consider Mr Heaton had shown meaningful insight. The panel considered the comments in the sentencing transcript which identified positive search terms used by Mr Heaton including "clinks" or "young boy porn". The panel considered this did not align with his view that he had committed the crime associated with allegation 1(a) by accident and without intent.

The panel also considered that Mr Heaton had not shown true remorse. The panel noted apparent remorse over the impact of his actions on himself and his employer but fundamentally failed to acknowledge the potential impact on the children involved. The panel found no evidence of Mr Heaton truly acknowledging the harm to children involved in such offences.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Gerard Heaton should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Heaton 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include a teacher being convicted of three counts of making indecent photograph or pseudo-photograph of children as well as one count of publishing an obscene article. These convictions each led to a sentence of imprisonment.

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 Heaton, 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 makes this observation:

“In the light of the panel’s findings against Mr Heaton, which involved convictions of relevant offences relating to indecent images, or pseudo-images, of children and obscene publication(s) involving children engaging in sexual activities there was a strong public interest consideration in the safeguarding and wellbeing of pupils.”

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

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

“The panel did not consider Mr Heaton had shown meaningful insight. The panel considered the comments in the sentencing transcript which identified positive search terms used by Mr Heaton including “clinks” or “young boy porn”. The panel considered this did not align with his view that he had committed the crime associated with allegation 1(a) by accident and without intent.

The panel also considered that Mr Heaton had not shown true remorse. The panel noted apparent remorse over the impact of his actions on himself and his employer but fundamentally failed to acknowledge the potential impact on the children involved. The panel found no evidence of Mr Heaton truly acknowledging the harm to children involved in such offences.”

In my judgement, the lack of evidence that Mr Heaton has developed full insight and remorse means that there is some risk of repetition 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 records the following:

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

I am particularly mindful of the finding in this case of a headteacher being convicted of making illegal indecent images of children and the extremely negative impact that such a finding is likely to 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 Heaton himself. The panel records that:

“The Tribunal noted Mr Heaton’s long service as a teacher but considered that he did not demonstrate exceptionally high standards in his personal and professional conduct or that he had contributed significantly to the education sector. The panel did not accept that the incident was out of character and in doing so had regard to the significant period of time over which Mr Heaton was found to have committed the offences, from 2015 to 2022, which evidenced a pattern of behaviour spanning a significant portion of Mr Heaton’s time in the profession.”

Elsewhere, the panel also notes character evidence attesting to Mr Heaton’s ability as an educator and a school leader.

A prohibition order would prevent Mr Heaton 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 serious nature of the misconduct found by the panel, the likely damage to the image of the profession and the risk of repetition.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Heaton 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.

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.

In doing so, it has referred to the Advice as follows:

“The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice

states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These 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.

As the panel found Mr Heaton had been convicted of a relevant offence relating to possessing indecent images of children, the panel found this to be a relevant factor in favour not offering a review period.”

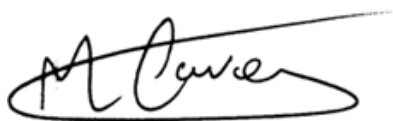
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, which in my judgment constitutes behaviour fundamentally incompatible with working as a teacher, as well as the risk of repetition.

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 Gerard Heaton is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Heaton 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 Heaton has a right of appeal to 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', with a large, sweeping loop at the end.

Decision maker: Marc Cavey

Date: 16 April 2025

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