



Teaching
Regulation
Agency

Mr Harpreet Singh: Professional conduct panel outcome

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

August 2018

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

Teacher: Mr Harpreet Singh

Teacher ref number: 9637970

Teacher date of birth: 30 September 1969

TRA reference: 16807

Date of determination: 16 August 2018

Former employer: Sandye Place Academy, Park Road, Sandy, SG19 1JD

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 2 and 3 August 2018 at The Chace Hotel, London Rd, Coventry CV3 4EQ, and on 16 August at the Teaching Regulation Agency offices, 53-55 Butts Rd, Coventry CV1 3BH, to consider the case of Mr Harpreet Singh.

The panel members were Ms Jean Carter (lay panellist – in the chair), Ms Fiona Tankard (teacher panellist) and Mr Martin Pilkington (lay panellist).

The legal advisor to the panel was Ms Hannah James of Eversheds-Sutherland (International) LLP solicitors.

The presenting officer for the Agency was Mrs Samantha Paxman of Browne Jacobson LLP solicitors.

Mr Harpreet Singh was present and was not represented.

The hearing took place in public and was recorded save for the oral witness evidence of Witness A, which was heard in private.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 1 June 2018.

It was alleged that Mr Singh was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as the Head of Maths at the Sandye Place Academy from September 2016 to July 2017, he:

1. Made offensive and/or racist comments via Facebook on one or more occasions;
2. Inappropriately used and/or facilitated the inappropriate use of his school laptop on one or more occasions in or around 2017 in that;
 - a. it was used to view sexual material;
 - b. it was used, whilst teaching;
 - i. to search for a Grand Theft Auto forum;
 - ii. for browsing for alcohol;
 - iii. for viewing properties and/or cars for sale.;
3. In undertaking allegations 1, he demonstrated a lack of tolerance and respect for the rights and/or beliefs of others.

C. Preliminary applications

The panel heard three preliminary applications in total, set out below.

The presenting officer made an application to admit the witness statement of Individual A into evidence. Mr Singh made two applications; the first asked the panel to allow one of his witnesses to give evidence in private and to anonymise one of his witnesses, and the second asked the panel to allow Mr Singh to admit into evidence a bundle of pages made up of screen-shots of Facebook comments on a Facebook post.

In relation to Mr Singh's application to anonymise a witness, and to hear that witness's evidence in private, the panel chose to consider that application first, to give its decision on it, and to deal with the other two applications separately.

As Witness A was [Redact] years of age, the panel directed that he was to be treated as a child witness. The panel was satisfied that he was under the age of 18 at the beginning of the hearing.

Paragraph 4.60 of the Procedures allowed the panel, if it considered it to be in the interests of justice, to decide that the name and identity of a witness, either referred to in

the hearing papers or present before the panel to give oral evidence, should not be disclosed during the hearing or at all.

The panel took into account the general rule that these hearings should be held in public and also took account of case law that states: "It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public's confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties' or witnesses' identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely."

The panel had regard to whether the request for anonymity of the witness ran contrary to the public interest. The panel also had regard to the principle that limited interference with the public nature of the proceedings was preferable to a permanent exclusion of the public.

The panel decided that, in the circumstances of this case, it was appropriate to anonymise the name of the witness to Witness A and to allow Witness A to give evidence in private.

The panel considered paragraph 4.71 of the Procedures, and noted that there was no medical evidence that the welfare of Witness A would be prejudiced by his giving evidence and the panel was therefore content for him to give evidence. As Witness A was giving oral evidence, the panel went on to consider adopting such measures as it considered necessary to safeguard his interests as a child witness. The panel therefore considered whether Witness A should be permitted to give evidence in private. The panel noted that it had a discretion under Regulation 11 of the Teachers' Disciplinary (England) Regulations 2012 and under paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing. Paragraph 4.57 of the Procedures specifically stated that the panel had this discretion where it was necessary to protect the interests of children or vulnerable witnesses.

The panel decided to exercise its discretion to hear Witness A's evidence in private. In reaching its decision it took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings, and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for Witness A's evidence to be heard in private was reasonable in order to safeguard his interests as a child witness. The panel had in mind that the interference with the general rule that hearings are to be in public would be for only a limited period of the hearing. The panel considered whether it was sufficient that it had granted Witness A anonymity, negating the need to exclude the public from hearing his evidence, but it decided that it did not consider that safeguard alone would be sufficient to protect Witness A because of the likelihood that he would be identified when giving his evidence.

The panel was required to announce its decisions in public as to whether the facts had been proven and whether those facts amounted to unacceptable professional conduct and/ or conduct that may bring the profession into disrepute. In the event that the case continued beyond that stage, any decision of the Secretary of State would also be in public. The panel considered that, in the circumstances of this case, the public interest would be satisfied by these public announcements, thus ensuring that public confidence in these proceedings and in the standards of the profession would be maintained.

In relation to the presenting officer's application to admit the late documents, and also Mr Singh's application to admit his response document, both applications took place in public.

The presenting officer asked that the witness statement of Individual A dated 18 July 2018 be admitted into the bundle. She confirmed that this document was sent to the teacher, the panel and the legal advisor by email a few days before the hearing. The teacher sought to admit a 4 page document made up of comments on a Facebook post in response to this statement. It was accepted that those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures. The panel took into account the representations from Mr Singh and the presenting officer. It also took into account the fact that no objections were raised by the teacher or the presenting officer as to the late submission of the documents.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case.

The panel was satisfied that the documents may reasonably have been considered to be relevant to the case because the statement of Individual A directly related to the allegations and evidence in dispute, and the Facebook post and comments went towards assisting Mr Singh's case in relation to the defence he made about one of the allegations.

With regard to the overall question of fairness, the panel considered the reasons for the delay in the late filing of the statement of Individual A and heard evidence that there were some issues with the return and posting of the statement which led to its being received later than expected, but that the witness had been cooperating for the two previous months. The panel also considered the fact that Individual A appeared to be a pivotal witness upon whom the presenting officer sought to rely and it also took into account the fact that Mr Singh raised no objection to the admission of the witness statement. He confirmed that he had the opportunity to fully consider the statement and that he would be able to adequately respond to the statement during the hearing by cross-examination of the witness. In relation to Mr Singh's late documents, the panel considered the fact that these documents were only provided by Mr Singh by way of a response to the statement, which could not have been done any sooner. On this basis the panel concluded that it would be fair to admit the documents as evidence.

By reason of the above, the panel decided to admit each of the documents and these were paginated as follows:

Witness statement of Individual A – pages 12 to 15.

A copy of screen-shots of Facebook comments submitted by the teacher – pages 160 to 163.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Proceedings and Response – pages 3 to 10

Section 3: Teaching Regulation Agency witness statements – pages 11 to 15

Section 4: Teaching Regulation Agency documents – pages 16 to 144

Section 5: Teacher documents – pages 145 to 163

In addition, the panel agreed to accept the following:

The witness statement of Individual A dated 18 July 2018 – pages 12 to 15

A copy of screen-shots of comments submitted by the teacher – pages 160 to 163

Teacher's Mitigation Evidence – pages 164 to 168

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

Witnesses

The panel heard oral evidence from Individual A, who was called by the presenting officer. The panel also heard oral evidence from Mr Singh, Witness A, and Witness B.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Mr Singh was employed as the Head of Maths at Sandye Place Academy from September 2016. Concerns were raised by Mr Singh's colleagues on 6 June 2017 as to his social media posts. The day after the concerns were raised he was suspended. Mr Singh's laptop was inspected and inappropriate misuse was identified. A disciplinary hearing then took place and Mr Singh was summarily dismissed.

Findings of fact

The findings of fact were as follows:

The Panel found the following particulars of the allegations against you proven, for these reasons:

1. Made offensive and/or racist comments via Facebook on one or more occasions;

Proven.

Mr Singh admitted this allegation. In addition, the panel saw evidence in the bundle of the comments written by Mr Singh on Facebook. Mr Singh admitted that his Facebook profile was used to post the relevant comments and also that he had typed and posted them. The panel considered whether the comments were offensive and/or racist in their nature. One example of the comments made is: *"Every sane human is anti semitic. Because you bastards have made Zionism synonymous with the mistreatment of Palestinians. Billions are anti semitic and proud of it. Israel should be wiped of [sic] the planet. Dogs! The chosen race?!?!?! What an insult to God!"* The panel concluded that the comments were both offensive and racist.

Therefore, on the balance of probabilities, the panel found this allegation proven.

2. Inappropriately used and/or facilitated the inappropriate use of your school laptop on one or more occasions in or around 2017 in that;

a. it was used to view sexual material;

Proven in part.

This allegation was proven in the respect that Mr Singh "inappropriately facilitated the inappropriate use" of his school laptop to view sexual material, but not proven in respect of the allegation that Mr Singh "inappropriately used" his school laptop to view sexual material himself.

Mr Singh denied this allegation, in both respects. He said that he did not inappropriately use his laptop to access sexual material and also that he did not facilitate the inappropriate use of his laptop to access sexual material. He admitted that he facilitated the use of his school laptop by providing his password to Witness A. However, he stated that he did not consider that providing his password to Witness A so that he could use his laptop was inappropriate in itself. He also stated that he did not consider that the use by Witness A would be inappropriate as he believed that it was being used for what he

described were “genuine reasons”, i.e. for the purpose of revision. Witness A admitted to accessing sexual material on Mr Singh’s school laptop during the times identified in the logs provided in the bundle. Witness B gave evidence that at no point during that day or night did she see Mr Singh using the school laptop but that she did see Witness A using it that day. Mr Singh admitted that sexual material was viewed on his school laptop, although not by him. Mr Singh admitted that the viewing of sexual material on his school laptop (by anyone, whether by him or a person he permitted to access his laptop) amounted to inappropriate usage.

The panel took into account the oral evidence of Individual A who stated that all teachers in the school, as standard, received training on the use of their laptops and that this training included a strict warning that passwords were not to be shared for security reasons. The panel considered that, factually, the viewing of sexual material was inappropriate, and that the laptop usage (whether known to Mr Singh or not) was facilitated by Mr Singh.

The panel therefore considered, on the balance of probabilities, whether this allegation was proven, taking into account the above factors and the evidence in the bundle. The panel found the facts of this allegation proven only in respect of the allegation that Mr Singh inappropriately facilitated the inappropriate use of his school laptop, and not that the inappropriate usage was undertaken by Mr Singh himself.

b. it was used, whilst teaching;

i. to search for a Grand Theft Auto forum;

Not proven – see below.

ii. for browsing for alcohol;

Proven.

Mr Singh admitted this allegation. He stated that he used his school laptop during lessons and made searches on the internet. He stated that he understood that this was inappropriate during lessons but that he continued to supervise the children, and the children would have been working at the time.

In addition, the panel was referred to evidence within the bundle which corroborated Mr Singh’s admission. The panel was taken by the presenting officer to an internet log of alcohol sales, demonstrating that this web page had been searched for on Mr Singh’s school laptop. The panel was also shown a corresponding class timetable which demonstrated that Mr Singh would have been teaching lessons when the internet search was undertaken. The panel also heard evidence from Individual A as to the timing of the lessons taking place during the day, and was satisfied that the relevant search referred to in the allegation was completed during lesson time rather than at a break time.

Therefore, on the balance of probabilities, the panel found this allegation proven.

iii. for viewing properties and/or cars for sale;

Proven.

Mr Singh admitted this allegation. He stated that he used his school laptop during lessons and searched on the internet for properties for sale. He stated that he understood this was inappropriate during lessons but that he continued to supervise the children and that the children would have been working at the time.

In addition, the panel was referred to evidence within the bundle which corroborated Mr Singh's admission. The panel was taken by the presenting officer to internet logs for the internet pages for property websites demonstrating that these web pages had been searched for on Mr Singh's school laptop, and was also shown a corresponding class timetable which demonstrated that Mr Singh would have been teaching lessons when the internet searches were undertaken. The panel also heard evidence from Individual A as to the timing of the lessons taking place during the day, and was satisfied that the relevant searches referred to in the allegation were completed during lesson time rather than at break times.

Therefore, on the balance of probabilities, the panel found this allegation proven.

3. In undertaking allegations 1, you demonstrated a lack of tolerance and respect for the rights and/or beliefs of others.

Proven.

Mr Singh denied this allegation on the basis that, during his evidence, he said that he does not have any dislike for the Jewish faith or people.

The panel also viewed the screenshots in the bundle of the Facebook comments posted by Mr Singh. The panel took into account the example of the comment made by Mr Singh on Facebook, quoted under allegation 1, above. The panel also took into account another comment Mr Singh admitted to posting which stated, *"Of course we hate Jews. Israel is the most evil regime on the planet. Supported by Jews from within and from around the world. A token 20-30 Jews speak out."* Mr Singh stated in evidence that he was provoked and that the comments were taken out of context. He further stated that he did not write the original post which commenced the sequence of exchanges, but just responded to it.

The panel considered those comments, as well as some of the other comments it had seen in the bundle which were of a similar nature, and which Mr Singh admitted to posting on Facebook on a public forum, and felt that they were serious, offensive, racist, and demonstrative of a lack of tolerance and respect for the beliefs of others. The panel was of the view that no matter what the context or the provocation, those comments were offensive and racist.

Therefore, on the balance of probabilities, the panel found this allegation proven.

The panel found the following particulars of the allegations against you not proven, for these reasons:

2. Inappropriately used and/or facilitated the inappropriate use of your school laptop on one or more occasions in or around 2017 in that;

b. it was used, whilst teaching;

i. to search for a Grand Theft Auto forum;

Not proven.

Mr Singh strenuously denied this allegation. The panel heard evidence from Mr Singh that he had never, at any point in his life, accessed a 'Grand Theft Auto' forum. The panel viewed screenshots of a Facebook post in which Mr Singh had asked his Facebook friends to answer the question as to whether or not he had ever been interested in that forum/game, and the comments left by his Facebook friends all confirmed that he had not. The panel also heard oral evidence from Witness A and Mr Singh's wife who confirmed that Mr Singh had never had any interest in gaming or 'Grand Theft Auto'.

The panel also heard evidence from Individual A, who stated that on 17 May 2017 "Cluckin' Bell", a task or level name for a stage in 'Grand Theft Auto', was searched for on Mr Singh's laptop at 11:02 and 11:03, and that a Wikipedia link was clicked on. This could be seen from the report produced by Individual A. Individual A also gave evidence that Mr Singh was teaching lesson 2 at the time this search was undertaken. Mr Singh's explanation for this was that he must have left the room for a moment or turned his back and a student must have typed it in. The panel noted from the internet search records that at 11:07, five minutes later, a search was undertaken for a property sales website, which Mr Singh confirmed was likely to have been him.

The panel also considered that the allegation related to a search for a 'forum'; however, the panel noted that Wikipedia was not a forum for the game, and so strictly, this allegation was not proven on that basis alone. Nevertheless, the panel also considered the fact that on this one occasion, as opposed to all of the other internet searches shown in the bundle, the person searching for the term "Clucken Bell" (which was initially misspelled) did so by opening a new tab. This was not usual for the searches undertaken for other things such as the property websites. On this basis, the panel believed that it was more likely than not that it was in fact a student who used Mr Singh's laptop to undertake this particular search, in line with Mr Singh's position.

The panel took into account all of the evidence and considered it on the balance of probabilities, and found that it was more likely than not, based on the evidence it had seen and heard, that it was not Mr Singh who undertook the search. The panel also took into account the fact that Mr Singh candidly admitted to undertaking other inappropriate searches during lesson time, but strenuously denied that it was he who had completed this particular search. The panel also took into account the fact that whereas the other searches (mainly for property sales) were frequent, the search relating to 'Grand Theft Auto' only appeared once in the log in the period of a month, and so it was more than possible that a student managed to undertake a quick search on Mr Singh's laptop when his back was turned. On that basis, the panel did not find this allegation proven.

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

Having found a number of the allegations to have been proven, the panel went on to consider whether the facts of the proven 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 the panel refers to as “the Advice”.

The panel considered that by reference to Part Two, the following Teachers’ Standards were relevant to the allegations it had found proven:

- 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;
 - not undermining fundamental British values, including...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.

The panel was satisfied that the conduct of Mr Singh had fallen short of the standards expected of the profession.

The panel also considered whether Mr Singh’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. In this regard, the panel accepted Mr Singh’s position that he did not hate the Jewish faith as such, and that his comments were directed towards what he believed to be Israeli soldiers holding guns towards what he believed to be a Palestinian child. However, the panel considered the comments posted on Facebook by Mr Singh, and found that this behaviour demonstrated intolerance and/or hatred on the grounds of race/religion, as the comments demonstrated offensive language and referred to the Jewish race and religion directly.

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

Having found the facts of allegation 1, allegation 2(b)(ii), allegation 2(b)(iii) and allegation 3 proved in full, and allegation 2(a) proved in respect of the facilitation only, the panel considered whether or not these amounted to unacceptable professional conduct and/or conduct that may bring the teaching profession into disrepute.

The panel noted that allegations 1 and 3 took place outside of the education setting. The panel found that the conduct in allegations 1 and 3 would not affect the way Mr Singh fulfilled his teaching role. The panel also considered whether his actions in allegations 1

and 3 may have led to pupils being exposed to or influenced by the behaviour in a harmful way. The panel considered that whilst it was possible that the pupils could have seen some of Mr Singh's Facebook comments on the public post, on a balance of probabilities, it found that it was unlikely that pupils would have seen the posts and been influenced by them in a harmful way. Therefore, the panel did not find that Mr Singh's actions under these allegations amounted to 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 took account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

In respect of allegations 1 and 3, these allegations were serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore found that Mr Singh's actions, in respect of allegations 1 and 3, constituted conduct that may bring the profession into disrepute.

In respect of allegation 2(a), and the part of the allegation that the panel found proved in respect of the facilitation of the use of the laptop, the panel did not consider that the facilitation was serious or likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel took into account Mr Singh's evidence that he had no idea the use would involve the viewing of sexual material. Whilst sharing the password constituted misconduct, the panel did not consider that it amounted to "misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher." The panel did not therefore find that this allegation amounted to unacceptable professional conduct.

The panel found that Mr Singh's actions in allegation 2(a) did not constitute conduct that may bring the profession into disrepute. When considering whether this conduct was likely to have brought the teaching profession into disrepute, the panel found that whilst it may have been a breach of the school policy on the use of its IT equipment, it was unlikely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore did not find that Mr Singh's actions in respect of allegation 2(a) constituted conduct that may bring the profession into disrepute.

In respect of allegations 2(b)(ii) and 2(b)(iii), which the panel found proved, the panel found that these amounted to misconduct but not of a sufficiently serious nature for them to have amounted to unacceptable professional conduct. The panel did not therefore find unacceptable professional conduct for these allegations. When considering whether this conduct would bring the teaching profession into disrepute, the panel found that whilst it is not the behaviour it would expect of a teacher when teaching a class, it is unlikely to have a negative impact on the individual's status as a teacher, potentially damaging the

public perception. The panel did not therefore find that Mr Singh's actions, in respect of allegation 2(b)(ii), constituted conduct that may bring the profession into disrepute.

In summary, of the allegations the panel found proven, the panel did not find that any amounted to unacceptable professional conduct. The panel did find, however, that the teacher's actions in respect of allegations 1 and 3 constituted conduct that would bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conduct that may bring the profession into disrepute, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found two of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Singh, that he made comments which were offensive and/or racist, there is a strong public interest consideration in the protection of the public perception of the teaching profession.

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

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

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 Singh.

In carrying out the balancing exercise, the panel has considered the public interest both in favour of and against prohibition as well as the interests of the teacher. 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 proven. 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;
- actions or behaviours that undermine mutual respect and tolerance of those with different faiths and beliefs.

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

Mr Singh's actions were not accidental, and he was not acting under duress. Whilst the panel accepts that Mr Singh was deeply affected by the social media posts and comments he viewed, it understands that Mr Singh had a reactive response to the posts and got carried away as a result of being upset and angry about what he saw and the comments and posts he read. The panel considers that Mr Singh could benefit from taking time to reflect upon his comments to understand their seriousness. The panel witnessed how passionately Mr Singh continued to be about the issues raised in the posts and how he sought to explain the comments he made. The panel accepted that he was extremely sorry and regretted the comments, and noted that he stated that he would never make such comments again.

The panel considered whether, if Mr Singh were to come across a similar situation in the future, and be faced with a religious/racial issue about which he felt passionately, he could conduct himself in a rational, non-offensive, non-racist way next time, were that situation to arise. The panel had regard to Mr Singh's further conversations with one of the people to whom he had expressed the racist views. It was noted that in these later conversations he had maintained a civilised approach throughout.

The panel heard evidence from Mr Singh that his comments were directed at the actions of the Israeli Government rather than against the Jewish faith and people. Having given that evidence careful and detailed consideration, and having explored this in detail with Mr Singh during his oral testimony, the panel accepted that Mr Singh is not anti-Semitic. It also accepted that he was not trying to impact upon or influence children or the public, as he did not realise his comments were public. His actions were impulsive and were made in response to something which offended him, and were said (in his opinion) as an attempt to defend the Palestinians.

Mr Singh provided three witness statements to substantiate his previous good history as a good teacher, including one from a Head teacher who used to be his senior manager. The panel considered that the witness statements provided by Mr Singh corroborated one another and demonstrated that Mr Singh was a passionate, successful, good teacher

and that he dealt with difficult children and classes well, gained good results, and was well liked.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, taking into account whether the publication of the findings made by the panel would be sufficient.

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

The panel is of the view that prohibition is both proportionate and appropriate. The Panel has decided that the public interest considerations outweigh the interests of Mr Singh. The gravity and seriousness of the comments made were a significant factor in forming that opinion. Accordingly, the panel makes 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 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 proven, would militate against the recommendation of a review period. These behaviours include intolerance and/or hatred on the grounds of race and/or religion. The panel found that Mr Singh was responsible for posting comments on social media which were offensive and racist, and which undoubtedly demonstrate a serious departure from the personal and professional conduct elements of the Teachers' Standards, and which had the potential to undermine the principle of mutual respect and tolerance of those with different faiths and beliefs.

Mr Singh has shown insight to the extent that he told the panel he was very sorry for his comments, he understood they were offensive and racist and he would never conduct himself in that way again. The panel is concerned that whilst Mr Singh may understand, now, that the comments were offensive and racist to the Jewish faith, he at first repeated his explanation for the comments he had made (i.e. that he was riled by the comments which came before his and to which he responded). The panel's concern is that Mr Singh could find himself in a similar difficult situation in the future, and it is not currently convinced that he would have the capacity to act appropriately.

The panel found that 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 provision for a review period of 3 years. The panel found that the minimum 2 year review period was insufficient to properly demonstrate the seriousness of the misconduct. Nonetheless there is a strong public interest in returning a good Maths teacher to the profession, and the panel was satisfied that Mr Singh's mitigation witness statements demonstrated that he was an effective teacher. The panel took account of the fact that Mr Singh had been dismissed and had not been working within the teaching profession for a period of 2 years.

Taking these matters into consideration, the panel is of the view that Mr Singh should be allowed an opportunity to apply to set aside the prohibition order after a 3 year 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 sanction and review period.

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

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

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

In particular the panel has found that Mr Singh 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;
 - not undermining fundamental British values, including...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.

I have also noted the panel's position that it found that "that this behaviour demonstrated intolerance and/or hatred on the grounds of race/religion, as the comments demonstrated offensive language and referred to the Jewish race and religion directly."

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 or not a less intrusive measure, such as the published finding of conduct that may 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 Singh, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “whilst it was possible that the pupils could have seen some of Mr Singh’s Facebook comments on the public post, on a balance of probabilities, it found that it was unlikely that pupils would have seen the posts and been influenced by them in a harmful way.”. The panel also comment, “that pupils must be able to view teachers as role models in the way they behave.”

A prohibition order would therefore prevent such a risk of that view being held in future. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “ Mr Singh has shown insight to the extent that he told the panel he was very sorry for his comments, he understood they were offensive and racist and he would never conduct himself in that way again. The panel is concerned that whilst Mr Singh may understand, now, that the comments were offensive and racist to the Jewish faith, he at first repeated his explanation for the comments he had made (i.e. that he was riled by the comments which came before his and to which he responded). The panel’s concern is that Mr Singh could find himself in a similar difficult situation in the future, and it is not currently convinced that he would have the capacity to act appropriately.”

In my judgement the lack of complete and full insight means that there is some risk of the repetition of this behaviour and this risks a repeat of this behaviour. 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 observe, “ In respect of allegations 1 and 3, these allegations were serious and the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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, 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 Singh himself. The panel has considered some positive references in this case and has observed, “ the witness statements provided by Mr Singh corroborated one another and demonstrated that Mr Singh was a passionate, successful, good teacher and that he dealt with difficult children and classes well, gained good results, and was well liked.”

A prohibition order would prevent Mr Singh from teaching and 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 lack of full insight or remorse. The panel has said, “ Mr Singh was responsible for posting comments on social media which were offensive and racist, and which undoubtedly demonstrate a serious departure from the personal and professional conduct elements of the Teachers’ Standards, and which had the potential to undermine the principle of mutual respect and tolerance of those with different faiths and beliefs.”

The panel also state its, “concern is that Mr Singh could find himself in a similar difficult situation in the future, and it is not currently convinced that he would have the capacity to act appropriately.”

I have also placed considerable weight on the finding of the panel concerning “ The gravity and seriousness of the comments made”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Singh 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 that is not backed up by full remorse or complete 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 3 year review period.

I have considered the panel’s comments “ The panel found that the minimum 2 year review period was insufficient to properly demonstrate the seriousness of the misconduct. Nonetheless there is a strong public interest in returning a good Maths teacher to the profession, and the panel was satisfied that Mr Singh’s mitigation witness statements demonstrated that he was an effective teacher. The panel took account of the fact that Mr

Singh had been dismissed and had not been working within the teaching profession for a period of 2 years.”

I have considered whether a 3 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. In this case, there are two factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the offensive and racist nature of the comments made and the lack of either full insight or complete remorse.

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Harpreet Singh 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 17 August 2021, 3 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 Harpreet Singh remains prohibited from teaching indefinitely.

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

Mr Harpreet Singh has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Alan Meyrick

Date: 17 August 2018

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