



Teaching  
Regulation  
Agency

# **Mr Dev Sagoo: Professional conduct panel meeting outcome**

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

**January 2022**

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

<b>Teacher:</b>	Mr Dev Sagoo
<b>Teacher ref number:</b>	0601762
<b>Teacher date of birth:</b>	24 February 1952
<b>TRA reference:</b>	19474
<b>Date of determination:</b>	7 January 2022
<b>Former employer:</b>	Queensbury Academy, Dunstable, Bedfordshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 January 2022, by virtual means, to consider the case of Mr Dev Sagoo.

The panel members were Mrs Maxine Cole (lay panellist – in the chair), Mrs Melissa West (teacher panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan 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 Sagoo that the allegations be considered without a hearing. Mr Sagoo 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, Mr Sagoo or his representative.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 5 January 2022.

It was alleged that Mr Dev Sagoo was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed as a teacher at Queensbury Academy:

1. He engaged in inappropriate communication with an individual who he thought to be a 13 year old female on a social media platform and over the telephone. In particular, he:
  - a. Expressed to the individual what he would like to do to her:
  - b. Requested that she meet him at a hotel;
  - c. Requested she engage in sexual acts whilst he masturbate.
2. On the 11 February 2020, accepted a police caution in relation to the conduct as outlined in allegation 1 (a) – (c);
3. His conduct as may be found proven at allegation 1(a) – (c) was of a sexual nature and/or sexually motivated

Mr Sagoo admitted the alleged facts and signed a statement of agreed facts to that effect. Mr Sagoo also admitted that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Notice of Meeting**

The panel was provided with a copy of the Notice of Meeting. This was not contained in the original bundle sent to the panel and was dated 5 January 2022. The panel received legal advice to the effect that there is no period of time specified in the Teacher misconduct: Disciplinary procedures for the for the teaching profession 2020 for service of the Notice of Meeting.

The panel also noted that the Notice of Meeting omitted the opening words of allegation 1, but did not regard this as a material omission given that the allegations were fully and accurately set out in the statement of agreed facts.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of referral and response – pages 2 to 9

Section 2: Statement of agreed facts and presenting officer representations – pages 11 to 18

Section 3: Teaching Regulation Agency documents – pages 20 to 113

In addition, the panel agreed to admit as an additional document the Notice of Meeting dated 5 January 2022.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and the additional document admitted by the panel.

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Sagoo on 30 July 2021.

### **Decision and reasons**

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Sagoo 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.

Mr Dev Sagoo was employed by Queensbury Academy as a drama teacher from 20 November 2017 and 30 April 2019, when he left the role.

It was alleged that, between 26 March 2019 and 9 April 2019, Mr Sagoo had communicated on a chat site and by telephone with an undercover police officer who was claiming to be a 13 year old female. The communications were alleged to have been of a sexual nature.

On 11 April 2019, Mr Sagoo was arrested by the police and was interviewed concerning the offence of engaging in sexual communication with a child. When interviewed on that

date, he replied 'no comment' to questions asked of him. The subsequent examination of Mr Sagoo's phone identified the messages concerned.

On 11 February 2020, Mr Sagoo was interviewed again by the police, when he admitted the offence for which he had been arrested. Mr Sagoo was then cautioned by the police.

## **Findings of fact**

The findings of fact are as follows:

**It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed as a teacher at Queensbury Academy:**

**1. You engaged in inappropriate communication with an individual who you thought to be a 13 year old female on a social media platform and over the telephone. In particular, you:**

**a. Expressed to the individual what you would like to do to her:**

**b. Requested that she meet you at a hotel;**

**c. Requested she engage in sexual acts whilst you masturbate.**

Mr Sagoo admitted in the statement of agreed facts that he had engaged in communication with an individual whom he thought was a 13 year old female. He also admitted that he expressed to the individual what he would like to do to her and that those expressions were of a sexual nature.

Mr Sagoo also admitted that he requested that the individual meet him in a hotel and that she engage in sexual acts whilst he pretended to masturbate on the phone.

The panel accepted the admissions made by Mr Sagoo. In addition to those admissions, the panel was presented with screenshots of a large volume of messages of an overtly sexual nature.

As regards 1a, the panel that noted that Mr Sagoo made a number of sexual requests. These included messages in which Mr Sagoo said:

- *"Shall we meet over Easter holidays drive into countryside, park up, kiss, cuddle and suck each other off".*
- *"In hotel I'd shoot champagne in your psy then sip it out".*
- *"In hotel I'd fuck you in bath full of warm water under shower every position possible".*

As regards 1b, the panel noted that one of the messages sent by Mr Sagoo said:

- *"I'll make sure its special as its your first fuck in a hotel with king size bed dim lights etc"*

As regards 1c, although there was no screenshot of a message to that effect, Mr Sagoo admitted in the statement of agreed facts that he had requested that the individual meet him in a hotel. He also admitted that on 9 April 2019, in a nine minute phone call with the individual concerned, he pretended to masturbate.

The panel found allegation 1a, b and c proved.

## **2. On the 11<sup>th</sup> February 2020, accepted a police caution in relation to the conduct as outlined in allegation 1 (a) – (c);**

Mr Sagoo admitted that he was cautioned. The panel was also provided with a copy of the police caution form signed by Mr Sagoo. The panel noted that the caution form made specific reference to the conduct in allegations 1a and 1b, but not to the full extent of 1c.

The panel found allegation 2 proved in relation to the conduct in 1a and 1b only.

## **3. Your conduct as may be found proven at allegation 1(a) – (c) was of a sexual nature and/or sexually motivated**

Mr Sagoo admitted that his conduct was of a sexual nature. He also admitted that his conduct was sexually motivated on the basis that his conduct was in pursuit of sexual gratification.

The panel found allegation 3 proved on the basis that the conduct was both of a sexual nature and sexually motivated.

## **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 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 is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Sagoo in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Sagoo 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 Sagoo amounted to misconduct of a serious nature that fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Sagoo's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of engaging in sexual communication with a child was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the proven misconduct took place outside the education setting. However, the conduct involved inappropriate sexual communications with a person that Mr Sagoo thought to be 13 years of age. This conduct could affect the way Mr Sagoo fulfilled his teaching role or may have led to pupils being exposed to or influenced by the behaviour in a harmful way.

Accordingly, the panel was satisfied that Mr Sagoo 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 findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Sagoo's status as a teacher, potentially damaging the public perception.

The panel, therefore, found that Mr Sagoo's actions constituted 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, the protection of pupils, 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 Sagoo, which involved engaging in sexual communication with a person he understood to be a child, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Sagoo 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 Sagoo 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 Sagoo.

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 Sagoo. 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;
- misconduct that could seriously affecting the well-being of pupils, and particularly where there is a continuing risk;

- sexual misconduct, involving actions that were sexually motivated and of a sexual nature;
- the commission of a serious criminal offence that resulted in a caution.

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 to suggest that Mr Sagoo had anything other than a previously good record. The panel also took into account the fact that Mr Sagoo admitted his conduct in the second interview with the police and subsequently. The panel noted that, during his police interview, Mr Sagoo expressed remorse [redacted]. He also said that he had dealt with some deaths in the family and colleagues. [Redacted]. Mr Sagoo had not provided any character references or any indication of his desire to return to teaching.

There was evidence that Mr Sagoo's actions were deliberate and there was no evidence that he was acting under duress. The panel also noted that Mr Sagoo repeatedly told the individual to keep their communications secret and put in place an agreed code word they should use. The panel considered this to be an aggravating feature.

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

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Sagoo. The graphic and sexually motivated messages and the attempt to keep them secret were significant factors 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons.

The panel decided that the findings indicated a situation in which a review period would not be appropriate. Accordingly, the panel 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 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 Dev Sagoo should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Sagoo 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- 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 Sagoo fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding which involved engaging in sexual communication with a person understood to be a 13 year old child.

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 and 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 Sagoo, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In the light of the panel's findings against Mr Sagoo, which involved engaging in sexual communication with a person he understood to be a child, there was a strong public interest consideration in respect of the protection 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 the panel sets out as follows, "The panel also took into account the fact that Mr Sagoo admitted his conduct in the second interview with the police and subsequently. The panel noted that, during his police interview, Mr Sagoo expressed remorse [redacted]. He also said that he had dealt with some deaths in the family and colleagues. [Redacted]."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Mr Sagoo's status as a teacher, potentially damaging the public perception". I am particularly mindful of the finding that the conduct of Mr Sagoo was both of a sexual nature and sexually motivated 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, 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 Sagoo himself and the panel comment "There was no evidence to suggest that Mr Sagoo had anything other than a previously good record". A prohibition order would prevent Mr Sagoo 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 public interest, "The panel decided that the public interest considerations outweighed the interests of Mr Sagoo. The graphic and sexually motivated messages and the attempt to keep them secret were significant factors in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Sagoo has made to the profession and have noted the panel were not provided with any character references or any indication of his desire to return to teaching. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons."

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, a number of factors mean that a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the graphic and sexually motivated communication with what could have been a 13 year old child and the potential impact on future pupils well-being and public confidence.

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 Dev Sagoo 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 Sagoo 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 Sagoo 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.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 12 January 2022**

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