



Teaching  
Regulation  
Agency

# **Mr Patrick Sime: Professional conduct panel outcome**

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

**January 2019**

## Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	4
Documents	4
Statement of agreed facts	5
D. Decision and reasons	5
Panel's recommendation to the Secretary of State	11
Decision and reasons on behalf of the Secretary of State	16

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

**Teacher:** Mr Patrick Sime  
**Teacher ref number:** 9645176  
**Teacher date of birth:** 5 March 1961  
**TRA reference:** 15291  
**Date of determination:** 16 January 2019  
**Former employer:** Valentine's High School

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 16 January 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Patrick Sime.

The panel members were Ms Alison Walsh (teacher panellist – in the chair), Mr Peter Cooper (teacher panellist) and Mr Paul Bompas (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

The presenting officer for the TRA was Ms Naomh Gibson of Browne Jacobson LLP, solicitors.

Mr Sime was present and was represented by Ms Sunyana Sharma of 3 Paper Buildings.

The hearing took place in public and was recorded.

### **B. Allegations**

The panel considered the allegation set out in the Notice of Proceedings dated 8 November 2017.

It was alleged that Mr Sime was guilty of a conviction, at any time, of a relevant criminal offence in that:

- 1. On 22 February 2016, at Snaresbrook Crown Court, he was convicted of committing an act or series of acts with intent to pervert the course of justice on 11 June 2014, contrary to common law. He was sentenced to imprisonment of three months, wholly suspended for 12 months, required to**

**undertake an unpaid work requirement of 200 hours, ordered to pay costs of £500.00 and a victim surcharge.**

Mr Sime admitted the allegation and that the conviction was for a relevant offence.

## **C. Preliminary applications**

There were no preliminary applications.

## **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 4 to 12

Section 3: Teaching Regulation Agency documents – pages 14 to 39

Section 4: Teacher documents – pages 41 to 72

### **Witnesses**

No witnesses were called by the presenting officer.

The panel heard oral evidence from Mr Sime in mitigation.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered this case and reached a decision.

The panel read all of the documents included in the hearing bundle. It accepted the legal advice provided.

Throughout the relevant time for the purposes of these proceedings, Mr Sime was employed at Valentine's High School ("the School") as Head of Design & Technology.

Mr Sime had commenced work at the School from 18 April 2006.

On 7 July 2014, the School was notified that Mr Sime had been arrested as a consequence of events which had occurred in June 2014. The School was further

informed that as part of Mr Sime's bail conditions he was not to attend the School. Mr Sime subsequently commenced a period of long term sick leave.

A decision was made to prosecute Mr Sime and he was charged with two offences, namely an offence under the Sexual Offences Act and perverting the course of justice. On 15 June 2015, Mr Sime was formally suspended by the School.

The criminal prosecution subsequently proceeded to trial. Mr Sime pleaded guilty to perverting the course of justice at Snaresbrook Crown Court on 15 January 2016. He pleaded not guilty to the second offence of voyeurism/observing a person which was ultimately not proceeded with and was ordered to remain on file.

On 2 February 2016, Mr Sime resigned from his position at the School.

On 22 February 2016, Mr Sime was sentenced to three months imprisonment, suspended for 12 months, together with unpaid work of 200 hours and to pay costs. He was subsequently referred to the TRA by the School and the London Borough of Redbridge.

## **Findings of fact**

Our findings of fact are as follows:

- 1. On 22 February 2016, at Snaresbrook Crown Court, you were convicted of committing an act or series of acts with intent to pervert the course of justice on 11 June 2014, contrary to common law. You were sentenced to imprisonment of three months, wholly suspended for 12 months, required to undertake an unpaid work requirement of 200 hours, ordered to pay costs of £500.00 and a victim surcharge.**

The panel was presented with a certificate of conviction from the Crown Court at Snaresbrook.

This confirmed that Mr Sime was convicted on 22 February 2016 of the offence of committing an act or series of acts with intent to pervert the course of public justice. He was sentenced by the Court to 3 months imprisonment, suspended for 12 months, ordered to carry out unpaid work for 200 hours and to pay a victim surcharge of £80 and costs of £500.

The panel carefully considered all of the evidence within the hearing bundle relating to the circumstances of this offence. This included the remarks of the judge at the sentencing hearing on 22 February 2016.

As part of the wider background to the conviction, the panel noted that an allegation had been made that Mr Sime had taken and retained photographs and/or videos of girls under the age of 16.

As noted above, whilst originally charged with an offence under the Sexual Offences Act, Mr Sime was not convicted of this alleged offence which was ordered to remain on file.

Rather, he was convicted for perverting the course of justice as a result of his actions following the alleged offence coming to light.

In summary, Mr Sime was found to have disposed of a mobile phone which had allegedly been used in the course of the alleged voyeuristic acts, together with a laptop hard drive. The remarks of the judge sentencing Mr Sime record:

*"... that is the background to the matter that you have pleaded guilty to, destroying a mobile phone and the contents of a laptop and it was that mobile phone, in particular, which the prosecution were interested in interrogating and analysing because one of the complainants specifically said that she saw the phone being used in a bathroom and was being used to record what was going on and you knew that. You took the conscious decision to destroy it and you took a very carefully planned course to destroy it."*

Mr Sime denied that he had engaged in the alleged voyeuristic acts. In his witness statement to the TRA he stated that:

*"I accept that I threw away my mobile phone on the street. However, I do not accept that the reason why I destroyed the telephone was because the telephone contained any illegal or indecent images."*

Mr Sime similarly provided an explanation in relation to the circumstances in which action had been taken in relation to the laptop in question.

However, Mr Sime pleaded guilty to the offence of perverting the course of justice and he admitted the facts of this allegation.

In those circumstances, the panel accepted the certificate of conviction as conclusive proof of the commission of the offence of perverting the course of justice on 11 June 2014 by Mr Sime.

The panel accordingly found allegation 1 proven.

## **Findings as to conviction of a relevant offence**

Having found allegation 1 proven, the panel went on to consider whether the conviction was for a relevant criminal offence. This was admitted by Mr Sime.

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 Sime in relation to the facts found proved involved breaches of the Teachers' Standards. It considered that by reference to Part Two, Mr Sime 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, including by not undermining the rule of law.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered that Mr Sime's actions were relevant to teaching, working with children and working in an education setting. The offence concerned Mr Sime's response as a foster carer to allegations made by a child in his care. In acting as he did, the court had concluded that he committed a serious offence and "*undermined the very essence of the Criminal Justice System*".

The panel considered that Mr Sime's actions had a potential to impact on the safety or security of pupils or members of the public given that they occurred in circumstances where the prosecution was interested in interrogating and analysing his mobile phone and laptop. Mr Sime had accordingly obstructed an investigation into an alleged offence of a sexual nature.

The panel also took account of how the teaching profession is viewed by others. The panel considered that Mr Sime'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. This is a case involving an offence of perverting the course of justice which the courts rightly take very seriously.

The panel noted that Mr Sime's behaviour ultimately led to him receiving a sentence of imprisonment (albeit that it was suspended) which is indicative of the seriousness of the offence committed.

On balance and having carefully considered all of the evidence, the circumstances of the offence and Mr Sime's position, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to his ongoing suitability to teach. The panel considers that a finding that this conviction is a relevant offence is 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 went 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 a number of them to be relevant in this case, namely: the protection of pupils and other members of the public; 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 Sime, which involved a conviction of a serious offence resulting in a suspended custodial sentence, there is a public interest consideration in respect of the protection of pupils and other members of the public. As the panel had already noted, Mr Sime's actions had a potential impact on the safety or security of pupils and members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Sime was not treated with the utmost seriousness when regulating the conduct of the profession. He had been found by the court to have "*undermined the very essence of the Criminal Justice System*".

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

Whilst the panel carefully considered the mitigating evidence present and the fact that there was some positive evidence of Mr Sime's practice, the panel did not consider that there was a strong public interest consideration in retaining Mr Sime in the profession. Not least, whilst no doubt has been cast upon his abilities as an educator, he indicated that he was uncertain as to whether he would ever wish to return to classroom teaching.

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 Sime.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Sime.

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 the rule of law;
- dishonesty;
- the commission of a serious criminal offence.



Whilst dishonesty was not expressly alleged against Mr Sime, in his witness statement to the panel Mr Sime stated that "*inherent within the allegation of perverting the course of justice is an element of dishonesty*". In his oral evidence to the panel, Mr Sime further stated that it was dishonest of him to have destroyed evidence. For these reasons, the panel considered that this behaviour was present in this case.

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

In light of the panel's findings it considered that the following mitigating factors are present in this case:

- Mr Sime had a long career in education and has an otherwise unblemished record. There was no evidence that Mr Sime had been subject to any previous regulatory or disciplinary proceedings. There was no evidence of any prior complaints in relation to his conduct.
- The panel was presented with some positive evidence of Mr Sime's teaching practice in the form of lesson observation forms and a reference from a former colleague. He was described by the sentencing judge as being someone with a good character and a caring attitude.
- Mr Sime made full admissions as was recognised by the sentencing judge. He has fully engaged with the TRA throughout this process and attended to give evidence.
- The panel considered that Mr Sime had demonstrated some insight into his failings and shown regret and remorse. There was no evidence of any attitudinal problem. His remorse was also recognised by the sentencing judge.
- On balance and having carefully considered the insight, regret and remorse shown by Mr Sime, the panel concluded that the risk of repetition was low. Mr Sime may have acted under a degree of stress and panicked. The conclusion of the sentencing judge was that he was prepared to accept that there was nothing incriminatory on the items and Mr Sime "*acted out of panic and concern about what was being alleged against [him]*".

Weighed against this, the aggravating features in this case were that:

- Mr Sime's actions were deliberate. He ought to have known what was required of him and acted accordingly. He failed in that regard. Whilst Mr Sime may have panicked, the panel did not consider his actions could wholly be described as a momentary lapse. Having considered his evidence, the panel concluded that he had made a conscious decision. As the sentencing judge noted, this was "*a very*

*carefully planned course to destroy [the evidence]*". The panel agreed with this and did not entirely accept Mr Sime's explanation for events.

- Mr Sime has been convicted of a serious offence and received a custodial suspension (albeit suspended).
- Mr Sime's actions amounted to a clear breach of the Teachers' Standards.

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 is sufficient.

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

The panel was of the view that prohibition is both proportionate and appropriate. It decided that the public interest considerations outweigh the interests of Mr Sime. The nature and gravity of the offence was a significant factor in forming that opinion. As noted above, in acting as he did, the court had concluded that he committed a serious offence that "*undermined the very essence of the Criminal Justice System*". Mr Sime had obstructed an investigation into an alleged offence of a sexual nature and there was a particularly strong public interest consideration in terms of public confidence in the teaching profession and the declaring of proper standards of conduct in this case. Mr Sime's behaviour led to him receiving a sentence of imprisonment (albeit that it was suspended) which is indicative of the gravity of the offence.

Accordingly, having carefully considered all of the circumstances in this case and the mitigating factors that were present, 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 a review period being recommended. These behaviours include serious dishonesty. For the reasons outlined above, dishonesty was a feature of this case.

Whilst the panel took this into account, on balance the panel felt its findings indicated a situation in which a review period would be appropriate.

The panel therefore concluded that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period of 5 years

In arriving at this conclusion, the panel took account of the fact that Mr Sime had already been punished for his conduct. He had shown clear regret and remorse and some insight into the consequences of his actions. In oral evidence, Mr Sime demonstrated that he understood he had let himself down together with his family, colleagues and pupils. He showed a certain amount of passion for teaching and had an otherwise unblemished career.

Having carefully considered all of the circumstances, the panel concluded that a review period of 5 years was proportionate and would enable Mr Sime to continue the process of rehabilitation and demonstrate that he had gained full insight into the nature and effect of his conduct.

## **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 the allegation 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 Sime should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Sime 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, including by not undermining the rule of law.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered that Mr Sime's actions were "relevant to teaching, working with children and working in an education setting. The offence concerned Mr Sime's response as a foster carer to allegations made by a child in his care."

The panel also found "that the conduct of Mr Sime fell significantly short of the standards expected of the profession."

I have noted that the panel explain that Mr Sime's statement to the panel itself indicated that there had been a dishonest element to his conduct.

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 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 Sime, 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, "Mr Sime's actions had a potential to impact on the safety or security of pupils or members of the public given that they occurred in circumstances where the prosecution was interested in interrogating and analysing his mobile phone and laptop. Mr Sime had accordingly obstructed an investigation into an alleged offence of a sexual nature."

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, "He had shown clear regret and remorse and some insight into the consequences of his actions. In oral evidence, Mr Sime demonstrated that he understood he had let himself down together with his family, colleagues and pupils. He showed a certain amount of passion for teaching and had an otherwise unblemished career."

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the safety and security of pupils or members of the public. 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, "that Mr Sime'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. This is a case involving an offence of perverting the course of justice which the courts rightly take very seriously." I am particularly mindful of the admission of dishonesty in this case, the panel say, "In his oral evidence to the panel, Mr Sime further stated that it was dishonest of him to have destroyed evidence. For these reasons, the panel considered that this behaviour was present in this case" and the impact that such an admission 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 conviction of a relevant offence, 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 Sime himself. The panel comment on, “some positive evidence of Mr Sime's teaching practice in the form of lesson observation forms and a reference from a former colleague. He was described by the sentencing judge as being someone with a good character and a caring attitude.”

A prohibition order would prevent Mr Sime 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 and the seriousness of the conviction. The panel has said, “he committed a serious offence that *“undermined the very essence of the Criminal Justice System”*”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Sime 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 insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.

I have considered the panel's comments, “Mr Sime's actions were deliberate. He ought to have known what was required of him and acted accordingly. He failed in that regard. Whilst Mr Sime may have panicked, the panel did not consider his actions could wholly be described as a momentary lapse. Having considered his evidence, the panel concluded that he had made a conscious decision. As the sentencing judge noted, this was *“a very carefully planned course to destroy [the evidence]”*. The panel agreed with this and did not entirely accept Mr Sime's explanation for events.”

The panel has also said that a 5 year review period would, “enable Mr Sime to continue the process of rehabilitation and demonstrate that he had gained full insight into the nature and effect of his conduct.”

I have considered whether a 5 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 factors that 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, the seriousness of the behaviour concerning an investigation into alleged sexual misconduct by the police and the lack of full insight.

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

**This means that Mr Patrick Sime 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 31 January 2024, 5 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 Patrick Sime remains prohibited from teaching indefinitely.

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

Mr Patrick Sime 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: 23 January 2019**

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