

Mr Inderjit Singh: Professional conduct panel outcome

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

December 2018

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

Teacher:	Mr Inderjit Singh
Teacher ref number:	0743428
Teacher date of birth:	21/05/1975
TRA reference:	16828
Date of determination:	5 December 2018
Former employer:	The Grange Technology College, Bradford

A. Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 3 December 2018 to 5 December 2018 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Inderjit Singh.

The panel members were Mr Michael Lewis (former teacher panellist – in the chair), Mr Paul Hawkins (teacher panellist) and Mrs Alison Platts (lay panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Natalie Millington of Browne Jacobson LLP solicitors.

Mr Singh was not present and was not represented.

The hearing took place in public and was recorded, except for evidence relating to Mr Singh's medical history which was heard in private.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 20 September 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 he:

- 1. Engaged in inappropriate physical contact with one or more pupils on one or more occasions between approximately November 2016 and March 2017 in that he:
 - a. kissed
 - i. Pupil A
 - ii. Pupil B
 - b. hugged
 - i. Pupil A
 - ii. Pupil B
 - iii. Pupil C
 - c. squeezed Pupil C's hand
- 2. His conduct as may be found proven at 1(a) (c) above was conduct of a sexual nature and / or was sexually motivated

Mr Singh accepts allegation 1.b.iii. but denies it was sexually motivated. Mr Singh denies the remainder of the allegations.

Mr Singh denies that the admitted allegation amounts to unacceptable professional conduct or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr Singh.

The panel was satisfied that the TRA complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of R v Jones [2003] 1 AC1. The notice was sent to an address that the teacher subsequently responded to and the teacher responded and indicated he would not attend and would not be represented. The panel therefore considered that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing was to take place.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There was no indication that an adjournment might result in the teacher attending the hearing.

The panel considered the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel had the benefit of representations made by the teacher and was able to ascertain the lines of defence. The panel had the teacher's evidence addressing mitigation and is able to take this into account at the relevant stage. The panel noted that witnesses relied upon would be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, and as were reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel could take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel would also be able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel noted the evidence provided by the teacher in respect of his medical background and that this evidence did not confirm he was unable to participate in the hearing.

The panel also noted that there were three witnesses including two vulnerable witnesses present at the hearing, who were prepared to give evidence, and that it would be inconvenient and potentially distressing for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and accepted that fairness to the teacher is of prime importance. However, it considered that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these were serious allegations and the public interest was in this hearing proceeding.

D. Summary of evidence

Documents

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

Section 1: Anonymised pupil list – page 2

Section 2: Notice of Proceedings and Response - pages 4 to 15

Section 3: Teaching Regulation Agency witness statements - pages 17 to 39

Section 4: Teaching Regulation Agency documents - pages 41 to 237

Section 5: Teacher documents - pages 239 to 251

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

Witnesses

The panel heard oral evidence from Pupil B, Pupil C and the [REDACTED] of the school.

E. Decision and reasons

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

Mr Singh was employed as a mathematics teacher at the school from 28 April 2014. It is alleged that between November 2016 and March 2017 Mr Singh had inappropriate contact with three pupils at the school, consisting of hugs, kisses and touching a pupil's hand. It is further alleged that this conduct was sexually motivated.

Findings of fact

Our findings of fact are as follows:

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

1. Engaged in inappropriate physical contact with one or more pupils on one or more occasions between approximately November 2016 and March 2017 in that you:

a. kissed

i. Pupil A

The panel had regard to the evidence provided by Pupil A to the school in her interview dated 25 May 2017 in which she did not express any concerns about Mr Singh's behaviour, and her subsequent statement dated 15 June 2017 in which Pupil A stated, "...privately Mr Singh told me and Pupil B to come earlier so we agreed. But when we came he started hugging me more and kissing me on my cheeks. After this he did it several times on the revision classes with him...".

The panel did not hear oral evidence from Pupil A however it did hear oral evidence from Pupil B which confirmed the evidence of Pupil A.

The panel noted the evidence of Mr Singh in which he stated, "I adamantly refute the allegations that I kissed and hugged Pupil A", and his concerns that despite previous opportunities to raise the allegations, Pupil A did not do so until 15 June 2017.

The panel preferred the evidence of Pupil A, as supported by the evidence of Pupil B. The panel found Pupil B to be credible and reliable in her oral evidence and presented as a thoughtful and mature witness.

The panel has found this allegation proven.

ii. Pupil B

The panel had regard to evidence provided to the school by Pupil B in her interview dated 25 May 2017 in which she was asked if she had any concerns about Mr Singh's behaviour or things he had said to her. Pupil B did not express any concerns in response to this question. In Pupil B's subsequent statement dated 15 June 2017 she stated, "one time I stayed back alone and he was really stressed out about the school so he told me to go to that corner and hugged me again and did this a few times. Then he kissed me on my cheeks then grabbed my face and kissed my lips…".

The panel heard oral evidence from Pupil B in which she explained that, in part, she blamed herself for his behaviour and this is why she did not report it straight away. She

also made reference to concerns about how she would be perceived if she reported Mr Singh's behaviour. The panel accepted this explanation of the delay in reporting the incidents until 15 June 2017.

The panel noted the evidence of Mr Singh in which he stated, "I adamantly refute the allegations that I kissed and hugged Pupil B", and his concerns that despite opportunities to raise the allegations, Pupil B did not do so until 15 June 2017.

The panel preferred the evidence of Pupil B. The panel found Pupil B to be a credible and reliable witness in her oral evidence.

The panel has found this allegation proven.

b. hugged

i. Pupil A

The panel has considered all of the evidence and for the same reasons as set out in allegation 1.a.i. above, the panel has found this allegation proven.

ii. Pupil B

The panel has considered all of the evidence and for the same reasons as set out in allegation 1.a.ii. above, the panel has found this allegation proven.

iii. Pupil C

The panel noted that Pupil C made an initial disclosure to the headteacher after being asked questions about an email exchange Pupil C had with another pupil. Pupil C went on to write an account of an incident involving Mr Singh in which she stated, "after a while I stood up to go and he stood up and hugged me." This account was undated however the panel accepted the evidence of Pupil C that it was written early on in the school's investigation.

The panel was provided with notes from the school's subsequent investigation interview dated 25 May 2017 with Pupil C in which she confirmed she had gone to speak to Mr Singh following a period of his absence from the school. Pupil C stated, "we were just talking in general and he was being fine, then I got up to go and he stood up and said thank you for checking up on me and then he hugged me."

The panel further noted the evidence of Pupil C in which she stated, "I think he just did it out of being kind and expressing sympathy as he was happy that I'd gone to ask about him, he was saying, 'thank you for asking about me, it shows you care'."

In oral evidence, Pupil C confirmed she had felt awkward and uncomfortable about this contact.

The panel noted that Mr Singh admitted this allegation, stating, "I was genuinely moved by Pupil C's concern and sought to honour that by blessing Pupil C as a Sikh father would bless their daughter... There was certainly no sinister intent in relation to this incident...". Mr Singh went on to state that, "I accept that my conduct in relation to this incident was inappropriate however in mitigation I had numerous personal issues to content with which ultimately impacted upon my health."

The panel preferred the evidence of Pupil C, finding her to be a credible, reliable and consistent witness who showed maturity and insight.

The panel found this allegation proven.

c. squeezed Pupil C's hand

The panel had regard to the written evidence provided to the school by Pupil C in which she stated, "he was asking me about my family life just in general and I said that I don't live with my dad and Mr Singh was shocked and squeezed my hand...". Pupil C demonstrated the action to the panel.

The panel was provided with notes from the school's investigation interview with Pupil C in which she stated, "I was writing with this hand and he touched me with his pen and said you're really veiny, I said I'm not. Afterwards my hand was still here and he touched it, squeezed it."

The panel noted the evidence of Mr Singh, who stated that, "I refute the allegation that I squeezed Pupil C's hand."

The panel preferred the evidence of Pupil C, finding her to be a credible and reliable witness.

The panel found this allegation proven.

Your conduct as may be found proven at 1(a) – (c) above was conduct of a sexual nature and / or was sexually motivated

As with all findings of fact, the panel considered this question applying the balance of probabilities. The panel considered whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual. The panel then considered whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose of such words and actions were sexual.

The panel considered whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case. The panel had in mind the evidence of the teacher's character and considered whether such evidence had any bearing on the teacher's credibility or propensity to have carried out the alleged facts or to the circumstances in which the teacher found himself.

The panel carefully considered the actions found proven at allegation 1.

The panel considered that kissing and hugging Pupil A, Pupil B and Pupil C was proven and sexual motivation was more likely than not to have been Mr Singh's motivation in respect of allegations 1.a. and 1.b.

The panel did not consider that sexual motivation was proven in relation to allegation 1.c.

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

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Mr Singh in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, 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
 - 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

The panel is satisfied that the conduct of Mr Singh amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Singh's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that none of these offences are relevant.

The panel has taken into account how 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 has taken 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.

Having found the facts of particulars 1, and 2 proved, we further find that Mr Singh's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it 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 a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel also went on to consider the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Singh, which involved inappropriate contact over a period of time with a number of pupils, there is a strong public interest consideration in respect of the protection of pupils. Mr Singh repeatedly failed to recognise appropriate boundaries with pupils in his classes.

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

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

The panel went on to note that there was a public interest consideration in retaining the teacher in the profession, since no doubt has been cast upon his abilities as a mathematics teacher and he is able to make a valuable contribution to the profession.

In view of the clear public interest considerations that were present, the panel went on to consider 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 considerations both in favour of and against prohibition as well as the interests of Mr Singh. 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
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position

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.

The panel considered that Mr Singh's actions were deliberate and were not carried out under duress. The panel acknowledged that Mr Singh was going through some difficulties in his personal life at the time of the allegations. The panel was provided with some evidence from Pupil B and Pupil C to suggest that Mr Singh may not have understood the effects of his actions on them.

Prior to the allegations, the teacher did have a good history. The panel particularly noted the oral evidence of Pupil B and Pupil C who stated that Mr Singh had been a good mathematics teacher. This evidence was further supported by references from five of Mr Singh's former colleagues at the school which confirmed Mr Singh's professionalism. The head of department stated he, "was supportive as a colleague and was a strength to myself as a member of staff". A Key Stage 3 mathematics coordinator at the school stated, "I have found Inderjit to be a highly professional teacher... he offered me extra tips when I needed to clarify things. I found him to be very supportive."

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 is 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 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. 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 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 sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Mr Singh has been responsible for causing significant distress to three pupils as a result of his inappropriate contact with them.

Mr Singh acknowledged an incident with Pupil C in which he "blessed" her, and that this involved touching Pupil C. Mr Singh denied the remainder of the allegations. The panel therefore found that Mr Singh had demonstrated no insight into the effect of his actions on the three pupils.

In light of Mr Singh's otherwise good history and the possible future contribution that Mr Singh could make to the profession, the panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after three years. The panel considered that this would enable Mr Singh to work towards:

- demonstrating insight into his actions and their impact on others;
- understanding maintenance of appropriate boundaries; and
- demonstrating an ability to adhere to policies and procedures.

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 majority of the allegations proven and found that, apart from the allegation relating to sexual misconduct in respect of allegation (c), that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. I have put the matter at allegation (c) that was not found to be sexually motivated from my mind in considering this case.

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
 - 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

The panel finds that the conduct of Mr Singh fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sexual misconduct.

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 Singh 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 Singh has been responsible for causing significant distress to three pupils as a result of his inappropriate contact with them." 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, " Mr Singh had demonstrated no insight into the effect of his actions on the three pupils."

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it has, " has taken 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."

I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, 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 comment , "the teacher did have a good history. The panel particularly noted the oral evidence of Pupil B and Pupil C who stated that Mr Singh had been a good mathematics teacher. This evidence was further supported by references from five of Mr Singh's former colleagues at the school which confirmed Mr Singh's professionalism. The head of department stated he, "was supportive as a colleague and was a strength to myself as a member of staff". A Key Stage 3 mathematics coordinator at the school stated, "I have found Inderjit to be a highly professional teacher... he offered me extra tips when I needed to clarify things. I found him to be very supportive."

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 insight or remorse.

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 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 3 year review period.

I have considered the panel's comments " Mr Singh repeatedly failed to recognise appropriate boundaries with pupils in his classes." The panel has also said that a 3 year review period would "enable Mr Singh to work towards:

- demonstrating insight into his actions and their impact on others;
- understanding maintenance of appropriate boundaries; and
- demonstrating an ability to adhere to policies and procedures.

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 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 sexual misconduct found and the lack of insight.

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 Inderjit 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 14 December 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 Inderjit Singh remains prohibited from teaching indefinitely.

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

Mr Inderjit 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.

ALIM/

Decision maker: Alan Meyrick

Date: 7 December 2018

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