



Teaching  
Regulation  
Agency

# **Mr Adam Chinn: Professional conduct panel meeting outcome**

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

**March 2023**

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

<b>Teacher:</b>	Mr Adam Chinn
<b>Teacher ref number:</b>	1262903
<b>Teacher date of birth:</b>	4 November 1988
<b>TRA reference:</b>	19618
<b>Date of determination:</b>	9 March 2023
<b>Former employer:</b>	Ardley Hill Academy, Bedfordshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 March 2023 by virtual means, to consider the case of Mr Adam Chinn.

The panel members were Ms Caroline Downes (lay panellist – in the chair); Mr Duncan Tilley (lay panellist) and Mrs Sharon Bhogal (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) 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 Chinn that the allegation be considered without a hearing. Mr Chinn provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Louise Murphy-King, Mr Chinn or his representative Leigh Whipps.

The meeting took place in private.

## **Allegations**

The panel considered the allegation set out in the notice of meeting dated 23 February 2023.

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

1. On or around 2 December 2021, you were convicted of three counts of making indecent photographs of a child, contrary to the Protection of Children Act 1978 s1(a).

Mr Chinn admitted both the facts of the allegation and that he is guilty of having been convicted of a relevant offence.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 3 to 4

Section 2: Notice of referral, response and notice of meeting – pages 5 to 12

Section 3: Statement of agreed facts and presenting officer representations – pages 13 to 16

Section 4: Teaching Regulation Agency documents – pages 17 to 106

Section 5: Teacher documents – pages 107 to 108

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

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Chinn's representative on 16 January 2023.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Chinn for the allegation 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.

On 1 September 2020, Mr Chinn commenced employment at Ardley Hill Academy (the "School") as an unqualified teacher. On 9 November 2020 Mr Chinn was arrested for distributing indecent images of a child. On 10 November 2020, Bedfordshire Police referred Mr Chinn to the TRA. On 13 November 2020, Mr Chinn was suspended from work. On 22 March 2021, Mr Chinn resigned from his position at the School.

## **Findings of fact**

The findings of fact are as follows:

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

- 1. On or around 2 December 2021, you were convicted of three counts of making indecent photographs of a child, contrary to the Protection of Children Act 1978 s1(a).**

On 16 January 2023, Mr Chinn's representative signed a statement of agreed facts on behalf of Mr Chinn. This confirmed that Mr Chinn was offered the position of Unqualified teacher at the School on 12 August 2020 and began his employment in this post on 1 September 2020.

The panel noted that the School confirmed that Mr Chinn was teaching unsupervised at the School and was employed as an unqualified teacher on teachers' pay and conditions. Given that Mr Chinn's role commenced on 1 September 2020, he was employed in teaching at the time that he was referred to the TRA on 10 November 2020.

The statement of agreed facts also confirmed the following facts. Bedfordshire Police received a referral stating the user of a Kik account had uploaded to the internet a mega link which contained Category C indecent images of children on 20 May 2019 and this was traced by the police to Mr Chinn's previous home address. Mr Chinn was arrested by Bedfordshire Police on 9 November 2020 and interviewed by the police that day. A second police interview took place on 11 June 2021. The police undertook a search of Mr Chinn's devices and found the following located on Mr Chinn's mobile phone and mega cloud account: 40 Category A videos; 16 Category B videos; 1 Category C image and 11 Category C videos. On 2 December 2021, Mr Chinn was convicted of three counts of making indecent images of a child at Bedfordshire Magistrates' Court. On 28 January 2022, he was sentenced at the Crown Court in Luton to 10 months' imprisonment,

suspended for two years on each count – concurrent; 35 days' rehabilitation activity requirements; and Sexual Harm Prevention Order and registration for 10 years.

The panel has seen a certificate of conviction confirming that Mr Chinn pleaded guilty and was convicted on 2 December 2021 of “making indecent photographs of a child x 3” and confirmed that Mr Chinn was sentenced as referred to above. The panel accepted the certificate of conviction as proof of both the fact of the conviction and the facts necessarily implied by the conviction. The panel has also seen an extract of the police national computer record also confirming the conviction.

The panel found this allegation proven.

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

Having found the allegation proved, the panel went on to consider whether the facts of that proved allegation amounted to a conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Chinn in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Chinn 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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including ... the rule of law, individual liberty and mutual respect...

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 noted that the individual's actions were relevant to teaching, working with children and working in an education setting. The conviction indicates that Mr Chinn poses a safeguarding risk. His sentence includes a registration requirement and a sexual harm prevention order, both for a period of 10 years.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of children depicted within the images and videos.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Chinn's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Chinn was allowed to continue teaching.

The panel noted that Mr Chinn's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered "a relevant offence".

This was a case concerning an offence involving "any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents". The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered that this conviction was a particularly serious one particularly given the number of videos found that were categorised as being of the most serious nature.

The panel noted that Mr Chinn during his police interview stated that he was a vigilante trying to catch paedophiles online, and that he had acted in this way as someone he worked with had abused young girls and Mr Chinn had been mistaken for that colleague. He stated that he felt himself and the girls never received justice for that colleague's actions and that this caused [REDACTED]. As a result, he stated that he decided to take matters into his own hands. He stated that his actions started and ended in May 2019 but started again in November 2020 which he received safeguarding training at the School that caused him to become angry and commence his vigilante actions again. He also referred to having had [REDACTED] and confirmed that he knew that it was not healthy to act as a vigilante and that he was aware that it was not a defence to his possession of indecent images of children. The panel was not able to reach any conclusion as to the validity of Mr Chinn's claims. [REDACTED]. However, he engaged in this conduct regardless of the safeguarding training he had received and his obligation to ensure he did not place himself in a position that risked, or appeared to risk conflict between his private interests and his obligations as a teacher. Accessing the images for whatever reason lent support for an industry that exploited children.

Mr Chinn was an unqualified teacher under the School Direct (salaried) Initial Teacher Training programme, and was at the very start of his career as a teacher. Despite, this he was prepared to engage in activity that placed the children depicted in the images and videos at risk and also put his own career in jeopardy. The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Chinn's fitness to be a teacher.

The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Chinn and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of making indecent images of children.

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

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

There is no evidence of Mr Chinn's teaching experience and proficiency. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Chinn in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and breached the trust placed in him as a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are “relevant matters” for the purposes of the Police Act 1997 and criminal record disclosure;

misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature...;

any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents;

failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);

... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

actions or behaviours that ... undermine fundamental British values of ... the rule of law, individual liberty, and mutual respect ...

a deep-seated attitude that leads to harmful behaviour.

The panel considered Mr Chinn to have a deep-seated attitude given the number of images and videos found, that he had engaged in the offending activities on more than one occasion and sought to justify his actions in his police interviews.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Mr Chinn’s actions were deliberate.

There was no evidence to suggest that Mr Chinn was acting under extreme duress, eg a physical threat or significant intimidation.

Mr Chinn did not have any previous convictions and was previously considered to be of good character. There is no evidence of his disciplinary record prior to this matter, nor any evidence of Mr Chinn having demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector. It is apparent from Mr Chinn’s police interview that he had engaged in this activity over more than one time period.

No testimonial statements were adduced for the panel to consider.

The panel noted that Mr Chinn provided substantive answers to the questions he was asked during his police interviews. The panel also noted that the summary of his police interviews record that Mr Chinn stated that he was not trying to hide what he had been doing and that he was trying to be honest and helpful. Mr Chinn pleaded guilty to the offence for which he was convicted.

Mr Chinn made reference in his police interview to having received [REDACTED] and that following that [REDACTED] he knows that it was not healthy to act as a vigilante online and that it was no defence to having indecent images of children in his possession. Mr Chinn's representative has made representations on behalf of Mr Chinn, stating that Mr Chinn is [REDACTED] by the situation and [REDACTED] felt unable to respond himself. Mr Chinn's representative stated that Mr Chinn was "[REDACTED]." There was no medical evidence before the panel. Mr Chinn's representative, on Mr Chinn's behalf, requested that any hearing be brought forward as a prolonged wait time [REDACTED]. Mr Chinn admitted the allegation considered at this meeting, and that he had been convicted of a relevant offence.

The panel observed there was no expression of remorse within Mr Chinn's representations nor is it apparent that any remorse was expressed from the summary of his police interviews. Mr Chinn sought to explain and justify his behaviour but did not demonstrate any understanding that his actions supported an industry that sexually exploits children. The panel has not had sight of any representations made to the court.

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Chinn 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 Chinn. The seriousness of the offending was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Chinn was responsible for such activity, specifically in making indecent images of children.

Given the seriousness of Mr Chinn's offending, the panel was concerned that it had seen no evidence of Mr Chinn's remediation, nor that he had demonstrated such insight that might have afforded the panel assurance that he would not engage in similar behaviours in the future.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision 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 the allegation proven and found that the proven facts amount to a relevant conviction.

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

In particular, the panel has found that Mr Chinn 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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including ... the rule of law, individual liberty and mutual respect...

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 also noted, “that the individual’s actions were relevant to teaching, working with children and working in an education setting. The conviction indicates that Mr Chinn poses a safeguarding risk. His sentence includes a registration requirement and a sexual harm prevention order, both for a period of 10 years.”

The findings of a relevant conviction are particularly serious as they include a finding of making indecent photographs of a 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 Chinn, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of children depicted within the images and videos.”

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 observed there was no expression of remorse within Mr Chinn’s representations nor is it apparent that any remorse was expressed from the summary of his police interviews. Mr Chinn sought to explain and justify his behaviour but did not demonstrate any understanding that his actions supported an industry that sexually exploits children. The panel has not had sight of any representations made to the court.” 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 future wellbeing of children. 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, “The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Chinn’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Chinn was allowed to continue teaching.”

I am particularly mindful of the finding of making indecent photographs of a child 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 Chinn himself. The panel comment, “No testimonial statements were adduced for the panel to consider.”

A prohibition order would prevent Mr Chinn 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, “The panel considered that this conviction was a particularly serious one particularly given the number of videos found that were categorised as being of the most serious nature.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Chinn has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or 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 that no provision should be made for a review period.

I have considered the advice published by the Secretary of State and the panel’s comments “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Mr Chinn was responsible for such activity, specifically in making indecent images of children.”

Given the seriousness of Mr Chinn's offending, the panel was concerned that it had seen no evidence of Mr Chinn's remediation, nor that he had demonstrated such insight that might have afforded the panel assurance that he would not engage in similar behaviours in the future.

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

I have considered whether not allowing for a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that a no review is necessary are the serious nature of the conviction and the lack of insight or remorse.

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 Adam Chinn 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 Adam Chinn 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 Adam Chinn has a right of appeal to the King'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: 10 March 2023**

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