



Teaching
Regulation
Agency

Mr Paul Rajasegaram Professional conduct panel meeting outcome

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

October 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr Paul Rajasegaram
Teacher ref number:	1065125
Teacher date of birth:	1 April 1988
TRA reference:	0017218
Date of determination:	3 October 2023
Former employer:	Oaklands School, Tower Hamlets (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 3 October 2023 virtually to consider the case of Mr Paul Rajasegaram.

The panel members were Mr Martyn Stephens (Chair – lay panellist), Ms Miranda Norris (teacher panellist) and Ms Helen Kielty (lay panellist).

The legal adviser to the panel was Mr Harry Taylor 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 Rajasegaram that the allegations be considered without a hearing. Mr Rajasegaram provided a signed statement of agreed facts and admitted to having been convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Mr David Collins (of Capsticks Solicitors LLP) and Mr Rajasegaram.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 28 July 2023.

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

He was convicted and sentenced on 19 May 2021 of the following relevant offence(s):

1. Two counts of Distributing Indecent Photographs or Pseudo-Photographs of Children, contrary to the Protection of Children Act 1978;
2. Three counts of Making Indecent Photograph or Pseudo-Photograph of Children, contrary to the Protection of Children Act 1978.

Mr Rajasegaram admitted the facts and allegations. The panel noted from the certificate of conviction that Mr Rajasegaram was convicted on 14 April 2021 and was sentenced on 19 May 2021. It was evident to the panel that the allegations in the notice of meeting were incorrect; the panel believed this to be a typographical error. The panel therefore saw no prejudice to either party in amending the allegations to read:

“... convicted on 14 April 2021 and sentenced on 19 May 2021 for the following relevant offence(s):[...]”.

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 2 to 3;

Section 2: Notice of Referral, response and Notice of Meeting – pages 4 to 20;

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 21 to 25;

Section 4: Teaching Regulation Agency documents – pages 26 to 49;

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 Rajasegaram on 15 November 2022.

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 Rajasegaram 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.

In September 2016 Mr Rajasegaram commenced employment at the School as a Music Teacher. He delivered one to one and small group music tuition as part of his role.

On 4 January 2018 Mr Rajasegaram was arrested on School premises for allegations of possession and distribution of indecent images of children. On 11 May 2018 the School terminated Mr Rajasegaram's employment contract. On 14 April 2021 Mr Rajasegaram was convicted at Southwark Crown Court and, on 19 May 2021, he was sentenced.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against Mr Rajasegaram proved, for these reasons:

Mr Rajasegaram was convicted on 14 April 2021 and sentenced on 19 May 2021 for the following offence(s):

- 1. Two counts of Distributing Indecent Photographs or Pseudo-Photographs of Children, contrary to the Protection of Children Act 1978;**
- 2. Three counts of Making Indecent Photograph or Pseudo-Photograph of Children, contrary to the Protection of Children Act 1978.**

The allegations were admitted and were supported by evidence presented to the panel within the bundle. The allegations were, therefore, found proved. In particular, the panel had regard to the certificate of conviction within the bundle, which provided conclusive evidence of both the conviction and the facts necessarily implied by the conviction.

In the statement of agreed facts, Mr Rajasegaram accepted that he distributed and/or made numerous indecent images of children (including still images and videos). On Mr Rajasegaram's laptop, the Police found 11 images at Category A, 11 images at Category B and 46 images at Category C. The Police also searched Mr Rajasegaram's Skype account, in which they identified 18 Category A images and 2 Category C images. Mr Rajasegaram used Skype, [REDACTED], to communicate with, and distribute images to, third parties. There is no evidence to suggest that the images were of children who were pupils at the School.

The statement of agreed facts refers to the sentencing remarks of Judge [REDACTED], which stated that Mr Rajasegaram had readily and enthusiastically engaged in conversations about the sexual abuse of students who were in his care. Additionally, some of the images involved very young children, children as young as three years old. In some images, the children in question were in discernible pain and distress. Images were possessed and distributed over a lengthy period of time. Mr Rajasegaram, took an active involvement in the website which allowed him to communicate with, and share images with, other people who shared his sexual interest in children.

On 19 May 2021, Mr Rajasegaram was sentenced to a total of 27 months imprisonment, a sexual harm prevention order for an indefinite period, that he may be placed on the barring list by the Disclosure and Barring Service and that he be placed on the Sex Offenders register for 10 years.

Findings as to a conviction of a relevant offence

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations 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 Rajasegaram, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Rajasegaram 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
- showing tolerance of and respect for the rights of others

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. Although the allegations against Mr Rajasegaram related to conduct outside of his workplace and his education setting, the panel noted that Mr Rajasegaram had discussed with third parties online how he would like to engage in sexual conduct with some of his pupils. There was no evidence to suggest that he acted on these fantasies (and indeed the allegations for this panel to determine do not include reference to conduct in the workplace) but, notwithstanding this, the panel find that Mr Rajasegaram's actions are relevant to his role in the teaching profession.

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 members of the public.

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

The panel noted that Mr Rajasegaram's behaviour ultimately led to a sentence of imprisonment, 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 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".

In the panel's view, the gravity of the offences was sufficiently serious to warrant a custodial sentence of a not insignificant duration. Additionally, the panel noted that Mr Rajasegaram's conduct directly or indirectly fuelled a worldwide industry of child abuse, and that, given his role as a teacher, he would have known of the serious damage that such an industry causes. Mr Rajasegaram knowingly engaged in conversations online with third parties about sexual conduct with children.

Whilst Mr Rajasegaram acknowledged his wrongdoing, which perhaps indicates that he demonstrates some insight into his wrongdoing, the panel has been provided with no evidence that he had continued to attend counselling or other support groups to assist him with changing his behaviours. The panel can see no persuasive evidence that he is

remorseful for his actions, notwithstanding the panel also note that Mr Rajasegaram pleaded guilty to the charges against him.

The panel was presented with very little evidence to help them consider Mr Rajasegaram's teaching proficiency. The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Rajasegaram's fitness to be a teacher. The panel considered that a finding that these convictions were for relevant offences 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 Rajasegaram 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 and protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct within the teaching profession;
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Rajasegaram, which involved a finding that he had received convictions for relevant offences, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public, given the seriousness and nature of the conduct of making and distributing 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 Rajasegaram 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 Rajasegaram was outside that which could reasonably be tolerated.

There was insufficient evidence presented for the panel to consider Mr Rajasegaram's ability as an educator. However, the panel considered, in any event, that the adverse public interest considerations above outweigh any interest in retaining Mr Rajasegaram in the profession, since his behaviour fundamentally breached the standard of conduct expected of 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;

- 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);

- a deep-seated attitude that leads to harmful behaviour.

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 whether there were mitigating circumstances.

There was no evidence that Mr Rajasegaram's actions were not deliberate.

There was no evidence to suggest that Mr Rajasegaram was acting under extreme duress, eg a physical threat or significant intimidation and, in fact, the panel found Mr Rajasegaram's actions to be calculated and motivated.

The panel saw no evidence to indicate that Mr Rajasegaram had made exceptional contributions to the teaching profession.

There was no persuasive evidence to indicate that Mr Rajasegaram was remorseful for his actions, although the panel does note that he acknowledged his actions were wrong, which demonstrated some level of insight. Mr Rajasegaram pleaded guilty in the Crown Court, which the panel recognise. Mr Rajasegaram also confirmed to the Court that he had taken steps to address his offending behaviour, such as engaging with the Lucy Faithful Foundation and completing an online course. However, the panel agree with the Judge's remarks that it is perhaps significant that Mr Rajasegaram only took these steps after he had been arrested. The panel was presented with no further evidence to show that Mr Rajasegaram was continuing his efforts towards rehabilitating his offending behaviour.

Proportionality

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 Rajasegaram 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 Rajasegaram. The severity of the images Mr Rajasegaram distributed and the nature of the conversations he had with third parties online, regarding fantasising sexual conduct with children, 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 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. One of these cases includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

In the panel's view, there was no evidence of remorse and insufficient evidence of insight to indicate that Mr Rajasegaram would not pose a threat in the future such as to persuade it to recommend a review of the prohibition order.

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 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 a relevant conviction.

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

In particular, the panel has found that Mr Rajasegaram 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
 - showing tolerance of and respect for the rights of others
- 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 Rajasegaram fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of relevant convictions for making and distributing indecent images of children which resulted in a custodial sentence.

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 Rajasegaram, 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 it, "...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 members of the public." I also note that the panel has recorded that Mr Rajasegaram "...had discussed with third parties online how he would like to engage in sexual conduct with some of his pupils." A prohibition order would therefore prevent such a risk being present in the future.

I have also taken into account the panel's comments on insight and remorse, which it set out as follows, "There was no persuasive evidence to indicate that Mr Rajasegaram was remorseful for his actions, although the panel does note that he acknowledged his actions were wrong, which demonstrated some level of insight. Mr Rajasegaram pleaded guilty in the Crown Court, which the panel recognise. Mr Rajasegaram also confirmed to the Court that he had taken steps to address his offending behaviour, such as engaging with the Lucy Faithful Foundation and completing an online course. However, the panel agree with the Judge's remarks that it is perhaps significant that Mr Rajasegaram only took these steps after he had been arrested. The panel was presented with no further evidence to show that Mr Rajasegaram was continuing his efforts towards rehabilitating his offending behaviour." In my judgement, the lack of evidence of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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 observed that it, "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 members of the public." I am particularly mindful of the finding of

convictions for distributing and making indecent images of children in this case and the serious, negative impact that such a finding may have 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 Rajasegaram himself. The panel noted that it, “...saw no evidence to indicate that Mr Rajasegaram had made exceptional contributions to the teaching profession.”

A prohibition order would prevent Mr Rajasegaram 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 the lack of full insight or remorse. The panel has said, “Whilst Mr Rajasegaram acknowledged his wrongdoing, which perhaps indicates that he demonstrates some insight into his wrongdoing, the panel has been provided with no evidence that he had continued to attend counselling or other support groups to assist him with changing his behaviours. The panel can see no persuasive evidence that he is remorseful for his actions, notwithstanding the panel also note that Mr Rajasegaram pleaded guilty to the charges against him.”

I have also placed considerable weight on the very serious nature finding of the panel’s findings of relevant convictions for distributing and making indecent images of children, some as young as three years old.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Rajasegaram 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, 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.

In doing so, the panel has noted the Advice which 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. One of these cases includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents.

The panel concluded that, in its view "...there was no evidence of remorse and insufficient evidence of insight to indicate that Mr Rajasegaram would not pose a threat in the future such as to persuade it to recommend a review of the prohibition order. It goes on to record that it, "...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 provisions for a review period."

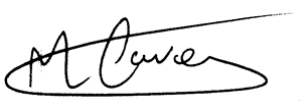
I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the very serious nature of the misconduct found, the lack of full insight and remorse, the risk of this behaviour being repeated in the future and the potential damage to the public's perception of the teaching profession.

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 Paul Rajasegaram 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 Rajasegaram 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 Rajasegaram 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: Marc Cavey

Date: 12 October 2023

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