



Teaching
Regulation
Agency

Mr Bobby Rudd: Professional conduct panel meeting outcome

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

December 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	6
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	12

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

Teacher:	Mr Bobby Rudd
Teacher ref number:	3361319
Teacher date of birth:	2 July 1987
TRA reference:	19815
Date of determination:	20 December 2023
Former employer:	The King Edmund School, Rochford

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 20 December 2023 by way of a virtual meeting, to consider the case of Mr Bobby Rudd.

The panel members were Ms Dawn Hawkins (teacher panellist – in the chair), Mr Ronan Tyrer (lay panellist) and Mr Gerry Wadwa (teacher panellist).

The legal adviser to the panel was Ms Rebecca Hughes of Birketts 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 Rudd that the allegations be considered without a hearing. Mr Rudd 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 Sherelle Appleby of Browne Jacobson LLP, Mr Rudd, or any representative for Mr Rudd.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 9 October 2023.

It was alleged that Mr Rudd was guilty of having been convicted of the following relevant offences:

1. Engage in sexual communication with a child on 01/06//18-18/02/19 Sexual Offences Act 2003 s15A(1)
2. Cause a child under 16 to watch a sexual act on 01/06/18-18/02/19 Sexual Offences Act 2003 s12 (1)(a)
3. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 18/03/19-31/-3/19 Sexual Offences Act 2003 s16 (1)(e)(i)
4. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 01/04/19-01/12/19 Sexual Offences Act 2003 s16(1)(e)(i)
5. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 02/12/19 Sexual Offences Act 2003 s16(1)(e)(i)
6. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 08/12/19-12/12/19 Sexual Offences Act 2003 s16(1)(e)(i)
7. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 12/12/19-28/06/20 Sexual offences Act 2003 s16(1)(e)(i)

Mr Rudd admitted the facts of allegations 1 to 7 as set out in the response to the notice of referral dated 31 August 2023 and in the statement of agreed facts dated 10 September 2023. Mr Rudd also admitted that those admitted facts amounted to conviction of relevant offences.

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: Teacher’s response to Notice of Referral and Notice of Meeting – pages 3 to 9
- Section 2: Statement of Agreed Facts – pages 10 to 13
- Section 3: TRA documents – pages 14 to 122
- Section 4: Teacher documents – pages 123 to 125

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

Despite the bundle referring to Pupil A as Person A, the panel felt it was important to refer to Person A as Pupil A given the nature of this meeting. For the avoidance of doubt, all references to Pupil A therefore relate to Person A.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Rudd on 10 September 2023 and subsequently signed by the presenting officer on 13 September 2023.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Rudd for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Rudd was employed as head of music at The King Edmund School (‘the School’) between 1 September 2019 and 30 April 2021.

On 28 June 2020, Mr Rudd was arrested under the Sexual Offences Act 2003.

The arrest was brought to the School’s attention the following day by Essex County Council’s Local Authority Designated Officer (‘LADO’). On 2 July 2020 Mr Rudd was sent a letter of suspension whilst the police continued their investigation.

On 4 February 2021, it was agreed that a further suspension review would take place, during which it was decided that Mr Rudd would be dismissed with his last day of service being 30 April 2021.

Upon entering a guilty plea, Mr Rudd was convicted on 27 January 2022 at Basildon Crown Court of 1 count of engage in sexual communication with a child; 1 count of causing a child to watch a sexual act; and 5 counts of sexual activity by a person in a position of trust.

On 28 February 2022, Mr Rudd was sentenced at Basildon Brown Court to a total of 28 months imprisonment.

Findings of fact

The findings of fact are as follows:

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

You have been convicted at any time, of the following relevant offences:

- 1. Engage in sexual communication with a child on 01/06/18-18/02/19 Sexual Offences Act 2003 s15A(1)**
- 2. Cause a child under 16 to watch a sexual act on 01/06/18-18/02/19 Sexual Offences Act 2003 s12 (1)(a)**
- 3. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 18/03/19-31/3/19 Sexual Offences Act 2003 s16 (1)(e)(i)**
- 4. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 01/04/19-01/12/19 Sexual Offences Act 2003 s16(1)(e)(i)**
- 5. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 02/12/19 Sexual Offences Act 2003 s16(1)(e)(i)**
- 6. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 08/12/19-12/12/19 Sexual Offences Act 2003 s16(1)(e)(i)**
- 7. Sexual activity with female 13-17 offender does not believe victim is over 18 abuse of position of trust on 12/12/19-28/06/20 Sexual offences Act 2003 s16(1)(e)(i)**

The panel considered the statement of agreed facts, signed by Mr Rudd on 10 September 2023. In the statement of agreed facts, Mr Rudd admitted the particulars of allegations 1 to 7, and accepted that his conduct amounted to a conviction of a relevant offence.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a certificate of conviction from Basildon Crown Court which set out that on 27 January 2022, Mr Rudd was convicted of engaging in sexual communication with a child, causing a child to watch a sexual act and 5 counts of sexual activity with a child by a person in a position of trust.

Mr Rudd was sentenced to a total of 28 months imprisonment; a 10 year barring order; a 10 year restraining order and a £170 victim's surcharge.

Following examination of the documents before them, the panel was satisfied that allegations 1 to 7 were proven.

Findings as to 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 conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Mr Rudd, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Rudd 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; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Mr Rudd's actions were relevant to teaching, working with children and/or working in an education setting. Mr Rudd had been communicating with and had engaged in sexual activity with a 15/16 year old girl who [REDACTED].

Mr Rudd's conviction had led to a term of imprisonment. The panel noted that is it likely that a conviction for any offence that led to a term of imprisonment... would amount to "a *relevant offence*".

The panel considered the nature and found that Mr Rudd's actions:

- were contrary to the standards of personal and professional conduct expected of a teacher, with reference to the Teachers' Standards;
- were relevant to teaching, working with children and/or working in an education setting;
- would be likely to have an impact on the safety or security of pupils or members of the public; and
- would be likely to affect public confidence in the teaching profession if the teacher were allowed to continue teaching.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Rudd's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. By virtue of his position, Mr Rudd was in a position of trust and responsibility in relation to Pupil A. He abused that position.

The panel noted that Mr Rudd's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Rudd's actions were demonstrated by the Court's sentence.

This was a case involving an offence of sexual activity / sexual communication with a child/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, which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Rudd's ongoing suitability to teach. 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 should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the nature of the offences for which Mr Rudd was convicted and sentenced, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Rudd were not treated with the utmost seriousness when regulating the conduct of the profession. The panel felt that Mr Rudd's actions would damage the trust and confidence the public had in the profession.

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Rudd. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Rudd. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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 disclosures.
- 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 pupils);
- any abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, 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;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or 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);
- violating of the rights of pupils;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - any activity that involves knowingly substantiating another person's statements where they are known to be false;
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;

- encouraging others to break rules;
- lying to prevent the identification of wrongdoing

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Rudd's actions were not deliberate. The panel found that Mr Rudd was entirely culpable for his own actions.

There was no evidence to suggest that Mr Rudd was acting under extreme duress, and, in fact, the panel found Mr Rudd's actions to be calculated and motivated.

There was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Rudd contributed significantly to the education sector.

Mr Rudd gave no insight into his actions, and there was no evidence of mitigation or remorse. The panel considered that the damage Mr Rudd inflicted on other people, including Pupil A, was foreseeable and should have been plain to him.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Rudd 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 Rudd. The seriousness of the offences and the impact this had on Pupil A were significant factors in forming that opinion. The panel noted the sentencing report which included details of the serious impact the misconduct had on Pupil A. The panel found that the actions of Mr Rudd had seriously damaged Pupil A's [REDACTED] and [REDACTED]. Mr Rudd's actions have impacted [REDACTED] Pupil A has [REDACTED]. The misconduct had stopped Pupil A in [REDACTED] and Pupil A suffered so much that Pupil A now [REDACTED].

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel also noted that Mr Rudd had accepted that his behaviour was incompatible with the teaching profession.

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

The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. These behaviours include sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a child / 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 Rudd had been convicted of engaging in sexual communication with a child; causing a child to watch a sexual act and 5 counts of sexual activity with a child by a person in a position of trust.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not find any of these behaviours relevant.

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 Boddy Rudd should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Rudd 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; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Rudd, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding of sexual activity/sexual communication with a child, which led to a sentence of imprisonment.

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 Rudd, 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/or safeguard pupils. The panel has observed, "In light of the nature of the offences for which Mr Rudd was convicted and sentenced, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns." 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 Rudd gave no insight into his actions, and there was no evidence of mitigation or remorse. The panel considered that the damage Mr Rudd inflicted on other people, including Pupil A, was foreseeable and should have been plain to him." In my judgement, the lack of insight or 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 observe, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Rudd's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children. By virtue of his position, Mr Rudd was in a position of trust and responsibility in relation to Pupil A. He abused that position." I am particularly mindful of the finding of a conviction for sexual activity with 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 a relevant conviction, 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 Rudd himself and the panel comment "There was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mr Rudd contributed significantly to the education sector."

A prohibition order would prevent Mr Rudd 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 comment, "The panel noted that Mr Rudd's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed. The child protection and public protection issues engaged by Mr Rudd's actions were demonstrated by the Court's sentence."

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Mr Rudd. The seriousness of the offences and the impact this had on Pupil A were significant factors in forming that opinion. The panel noted the sentencing report which included details of the serious impact the misconduct had on Pupil A. The panel found that the actions of Mr Rudd had seriously damaged Pupil A’s [REDACTED] and [REDACTED]. Mr Rudd’s actions have impacted [REDACTED] Pupil A has [REDACTED]. The misconduct had stopped Pupil A in [REDACTED] and Pupil A suffered so much that Pupil A now [REDACTED].”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Rudd may have 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 serious 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. Mr Rudd had been communicating with and had engaged in sexual activity with a 15/16 year old girl, resulting in a sentence of imprisonment.

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

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. These behaviours include sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons / any sexual misconduct involving a child / 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 Rudd had been convicted of engaging in sexual communication with a child; causing a child to watch a sexual act and 5 counts of sexual activity with a child by a person in a position of trust.”

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 seriousness of the findings and the lack of either 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 Bobby Rudd 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 Rudd 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 Bobby Rudd 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.

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

Decision maker: Sarah Buxcey

Date: 22 December 2023

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