



Teaching  
Regulation  
Agency

# **Mr Daniel Sim: Professional conduct panel meeting outcome**

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

**19 December 2023**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	8
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**

<b>Teacher:</b>	Mr Daniel Sim
<b>Teacher ref number:</b>	0538525
<b>Teacher date of birth:</b>	09 May 1981
<b>TRA reference:</b>	18452
<b>Date of determination:</b>	19 December 2023
<b>Former employer:</b>	Kingsthorpe College, Northampton

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 19 December 2023 by way of a virtual meeting, to consider the case of Mr Daniel Sim.

The panel members were Mr Nigel Shock (lay panellist – in the chair), Ms Rachel Cooper (teacher panellist) and Ms Chloe Nash (lay panellist).

The legal adviser to the panel was Mrs Rebecca Utton 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 Daniel Sim that the allegation be considered without a hearing. Mr Sim 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, Mr Ben Bentley of Browne Jacobson LLP solicitors, Mr Sim or any representative for Mr Sim.

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

## Allegations

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

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

1. On or around 05 May 2021 he was convicted at Northampton Magistrates' Court of two counts of distribution of an indecent photograph/pseudo-photograph of a child, six counts of making an indecent photograph/pseudo-photograph of a child and two counts of possession of extreme pornographic images- act of intercourse/oral sex with animals.

Mr Sim admitted the facts of allegation 1 and that his behaviour amounted to a conviction of a relevant offence falling short of the standards of behaviour expected of a teacher, as set out in the response to the notice of proceedings dated 4 March 2022 and in the statement of agreed facts signed by Mr Sim on 28 June 2022.

## Preliminary applications

### Application to amend the allegation

The panel noted that the month of conviction cited in the allegation was incorrect. The allegation stated the conviction date as the 05 June 2021. The actual conviction date however, as specified on the certificate of conviction, was 05 May 2021. The panel therefore considered that the allegation should be amended to read:

*“On or around 05 May 2021 you were convicted at Northampton Magistrates’ Court of.....”*

The panel noted that the teacher had not been informed of the proposed change to the allegation.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the Teacher misconduct: Disciplinary procedures for the teaching profession' April 2018 (the '2018 Procedures'). The panel was satisfied that the amendment did not change the nature, scope or seriousness of the allegation and that there was no unfairness or prejudice caused by the amendment to the allegation. Accordingly, the panel amended the allegation to ensure that the conviction date was correct.

The panel noted that since the date of the referral to the TRA in this case, new ‘Teacher misconduct: Disciplinary procedures for the teaching profession’ were published in May 2020 (the ‘May 2020 Procedures’). The panel understands that the earlier provisions contained within the 2018 Procedures apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the 2018 Procedures in this case.

## **Summary of evidence**

### **Documents**

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

- Section 1: Notice of referral and response – pages 4 to 17
- Section 2: Statement of agreed facts and presenting officer representations – pages 19 to 24
- Section 3: TRA documents – pages 26 to 85
- Section 5: Teacher documents – pages 87 to 98

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 Sim on 28 June 2022 and subsequently signed by the presenting officer on 15 September 2022.

## **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 Sim 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.

Mr Sim was employed as a deputy headteacher at Kingsthorpe College ('the College') between 18 April 2017 and 15 May 2019.

On or around 22 February 2019, the College was made aware that Mr Sim had been arrested regarding suspected allegations of criminal activity. Northamptonshire police had received third party intelligence that Mr Sim had distributed inappropriate and illegal content and conducted a criminal investigation.

Consequently, the College conducted an internal investigation and following a disciplinary hearing, Mr Sim was summarily dismissed from the College in May 2019.

On 5 May 2021, Mr Sim was convicted at Northampton Magistrates Court of two counts of distribution of an indecent photograph/pseudo photograph of a child, six counts of making indecent photographs/pseudo photographs of a child, and two counts of possessing extreme pornographic images – act of intercourse - oral sex with an animal. Mr Sim was sentenced for these offences at Northampton Crown Court on 19 August 2021.

## **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 05 May 2021 you were convicted at Northampton Magistrates' Court of two counts of distribution of an indecent photograph/pseudo-photograph of a child, six counts of making an indecent photograph/pseudo-photograph of a child and two counts of possession of extreme pornographic images- act of intercourse/oral sex with animals.**

The panel considered the statement of agreed facts, signed by Mr Sim on 28 June 2022. In that statement of agreed facts, Mr Sim admitted the particulars of allegation 1. Further, it was admitted the facts of the allegation 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 copy of the certificate of conviction from Northampton Crown Court, which detailed that Mr Sim had been convicted of two counts of distributing an indecent photograph/pseudo-photograph of a child, six counts of

making an indecent photograph/pseudo-photograph of a child and two counts of possessing extreme pornography images – act of intercourse/oral sex with an animal. The panel noted that Mr Sim had pleaded guilty to all offences.

In respect of the allegations, Mr Sim was sentenced to a 24 month community order with three requirements: to carry out 100 hours of unpaid work; undertake 6 months [REDACTED] as a non-resident and complete 25 days rehabilitation activity requirement. In addition, he was made subject to a Sexual Harm Prevention Order and placed on the Sex Offenders Register for 5 years, ordered to pay £300 prosecution costs and a £95 victim's surcharge. An order was also made for forfeiture of the images and items seized.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 was proven.

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

Having found the allegation 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 document the Advice.

The panel was satisfied that the conduct of Mr Sim, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Sim 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
  - not undermining fundamental British values, including democracy, the rule of law...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 Mr Sim's actions did not appear to involve a pupil or a colleague at the College. However, the panel considered that his actions were relevant to teaching, working with children and/or working in an education setting, in particular because he was found to be communicating with a 16 year old girl and threatened to post a sexual image of her online.

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 Sim'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.

The panel noted that Mr Sim's behaviour did not lead to a sentence of imprisonment, which was indicative that the offences were not of the highest level of seriousness on the offence spectrum. However, the panel noted that some of the images contained children of school age.

This was a case involving an offence of 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, which the Advice states is more likely to be considered a relevant offence.

The panel took into account the sentencing remarks submitted as part of the bundle which highlighted the mitigation that was taken into account, including three references speaking highly of the teacher, his remorse and his desire to change.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Sim's ongoing suitability to teach. The panel considered that a finding that these convictions were relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel found that the convictions were relevant offences and the allegation proven.

## **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; and 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 Sim was convicted, 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 Sim were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Sim 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 Sim. 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 Sim. 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.

- 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;
- ... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law... and mutual respect.
- 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, 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 Sim's actions were not deliberate and, in fact, the panel found Mr Sim's actions to be calculated and motivated.

There was no evidence to suggest that Mr Sim was acting under extreme duress.

The panel noted that there was some evidence presented that Mr Sim had contributed significantly to learning and teaching which was a key aspect of a successful Ofsted inspection. Whilst some weight was attributed to this, the panel noted that the evidence was not recent and did not, in the panel's view, demonstrate an exceptionally high standard in his professional conduct. The panel did not have sight of any evidence that Mr Sim had demonstrated exceptionally high standards in his personal conduct.

Mr Sim, in a statement provided to the TRA dated 20 September 2023, stated that he has worked tirelessly to address his failings and improve himself in an attempt to make amends. Mr Sim said that since his arrest, he had taken every possible action to understand and address his behaviour and ensure that it does not happen again. This included: working with the Safer Lives Programme, a programme run by former probation officers for people with sexual convictions and sexually harmful behaviour; completing the Paula Hall Foundation Kick Start Recovery Programme online to help overcome a

sex or porn addiction; [REDACTED] and completing Lucy Faithful Forum 'Stop It Now' online modules developed to support changing risky or illegal online behaviour.

The panel considered the contents of two letters and an email which Mr Sim had exhibited to his statement. These confirmed the work he had undertaken with Individual A [REDACTED] and the Safer Lives programme. The panel however noted that these documents were either undated or of some age, the most recent being 08 June 2021. The panel was not presented with any recent references to support Mr Sim's current risk level.

The panel noted that Mr Sim had pleaded guilty and made admissions to the offences. He also fully accepted, in his statement, that his career teaching or working with children was over.

The panel considered from the evidence presented that Mr Sim had expressed some insight and remorse into his behaviour. The panel however noted that Mr Sim had only commenced courses relating to his behaviour whilst being investigated for the offences he was subsequently convicted of. The panel further noted that the supporting evidence Mr Sim presented in mitigation was of some age or undated. The panel did not have sight of any recently dated references as evidence of his rehabilitation.

The panel noted that Mr Sim is subject to a Sexual Harm Prevention Order and required to sign on the Sex Offender's Register for a period of five years. [REDACTED].

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 Sim 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 Sim. The nature and seriousness of the offences combined with lack of current evidence of rehabilitation and risk 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 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours 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. The panel found that Mr Sim had been convicted of two counts of distributing an indecent photograph/pseudo-photograph of a child and six counts of making an indecent photograph/pseudo-photograph of a child.

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

In particular, the panel has found that Mr Sim 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
  - not undermining fundamental British values, including democracy, the rule of law...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 was satisfied that the conduct of Mr Sim involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

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

The findings of misconduct are particularly serious as they include a finding of a conviction for the serious criminal offences of distributing an indecent photograph/pseudo photograph of a child, making indecent photographs/pseudo photographs of a child and possessing extreme pornographic images.

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 Sim, 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, "Mr Sim's actions did not appear to involve a pupil or a colleague at the College. However, the panel considered that his actions were relevant to teaching, working with children and/or working in an education setting, in particular because he was found to be communicating with a 16 year old girl and threatened to post a sexual image of her online." The panel has also observed, "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." 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. The panel has noted a number of actions that Mr Sim has taken to understand and address his behaviour. The panel has commented, "The panel considered from the evidence presented that Mr Sim had expressed some insight and remorse into his behaviour. The panel however noted that Mr Sim had only commenced courses relating to his behaviour

whilst being investigated for the offences he was subsequently convicted of. The panel further noted that the supporting evidence Mr Sim presented in mitigation was of some age or undated. The panel did not have sight of any recently dated references as evidence of his rehabilitation.”. In my judgement, the lack of evidence of full insight and the current level of risk 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 has observed, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Sim were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a conviction for serious criminal offences involving indecent photographs/pseudo 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 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 Sim himself. The panel has commented, “there was some evidence presented that Mr Sim had contributed significantly to learning and teaching which was a key aspect of a successful Ofsted inspection. Whilst some weight was attributed to this, the panel noted that the evidence was not recent and did not, in the panel’s view, demonstrate an exceptionally high standard in his professional conduct. The panel did not have sight of any evidence that Mr Sim had demonstrated exceptionally high standards in his personal conduct.”

A prohibition order would prevent Mr Sim 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 insight and risk of reoffending. The panel has said that along with the nature and seriousness of the offences, the lack of current evidence of rehabilitation and risk were significant factors in forming its opinion that a prohibition order was proportionate and appropriate.

I have also placed considerable weight on the finding of the panel that, as a result of his conviction, Mr Sim is subject to a Sexual Harm Prevention Order and required to sign on the Sex Offender's Register for a period of five years. [REDACTED].

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended 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 militate against the recommendation of a review period. One of these behaviours 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. The panel found that Mr Sim had been convicted of two counts of distributing an indecent photograph/pseudo-photograph of a child and six counts of making an indecent photograph/pseudo-photograph of a child."

I have considered whether not allowing a 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, 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 serious nature of the offences of which Mr Sim was convicted and the lack of evidence of insight and current risk level.

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 Daniel Sim 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 Sim 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 Sim 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 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 22 December 2023**

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