



Teaching  
Regulation  
Agency

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

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

**January 2024**

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

|                               |  |
|-------------------------------|--|
| <b>Teacher:</b>               | Mr Daniel Murphy                             |
| <b>Teacher ref number:</b>    | 1540852                                      |
| <b>Teacher date of birth:</b> | 12 September 1989                            |
| <b>TRA reference:</b>         | 20663  |
| <b>Date of determination:</b> | 30 January 2024                              |
| <b>Former employer:</b>       | Kantor King Solomon High School, Barkingside |

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 30 January 2024 to consider the case of Mr Daniel Murphy.

The panel members were Ms Nicola Hartley (lay panellist – in the chair), Mrs Cathy Logan (teacher panellist) and Mr Alan Wells (former teacher panellist).

The legal adviser to the panel was Ms Claire Watson 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 Murphy that the allegations be considered without a hearing. Mr Murphy 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 Kiera Riddy, Mr Murphy or a representative of Mr Murphy.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 29 January 2024.

It was alleged that Mr Daniel Murphy was convicted, at any time of a relevant offence, specifically:

1. On or around 17 November 2020 he was convicted at Snaresbrook Crown Court of two offences of sexual activity with female child under 16 offender 18 or over penetrate anus/vagina/mouth by penis/body part on 01/05/17 – 30/06/17 contrary to the Sexual Offences Act 2003 s.9 (1) (a)
2. On or around 17 November 2020 he was convicted at Snaresbrook Crown Court of one offence of Sexual activity with female child under 16 offender 18 or over no penetration on 01/09/16 – 30/06/17 contrary to the Sexual Offences Act 2003 s.9 (a)

Mr Murphy admitted the facts of the allegations and that the allegations amount to a conviction of a relevant offence.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Notice of referral and response – pages 4 to 14

Section 2: Statement of Agreed Facts and presenting officer representations – pages 16 to 21

Section 3: Teaching Regulation Agency documents – pages 23 to 86

In advance of the meeting, the panel were provided with an amended Statement of Agreed Facts dated 11 January 2024 and an amended Notice of Meeting dated 29 January 2024. The panel substituted in the bundle the previous versions of these documents with the amended versions.

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 Murphy on 11 January 2024.

## 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 Murphy 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 Murphy had been employed at Kantor King Solomon High School (the 'School') as a history teacher from 29 June 2015 until his resignation on 22 October 2020. In April 2018, two students disclosed that Mr Murphy was having an inappropriate relationship with a year 11 student. A referral was sent to the police and Mr Murphy was suspended from the School. Mr Murphy was subsequently charged with three sexual offences relating to a female under 16 years of age.

## 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:

- 1. On or around 17 November 2020 you were convicted at Snaresbrook Crown Court of two offences of sexual activity with female child under 16 offender 18 or over penetrate anus/vagina/mouth by penis/body part on 01/05/17 – 30/06/17 contrary to the Sexual Offences Act 2003 s.9 (1) (a)**
- 2. On or around 17 November 2020 you were convicted at Snaresbrook Crown Court of one offence of Sexual activity with female child under 16 offender 18 or over no penetration on 01/09/16 – 30/06/17 contrary to the Sexual Offences Act 2003 s.9 (a)**

The allegations were admitted and supported by evidence presented to the panel in the bundle.

The panel had sight of a signed Statement of Agreed Facts, in which Mr Murphy accepted on 17 November 2020 he was convicted of 2 counts of sexual activity with a

female under 16 contrary to section 9(1)(a) of the Sexual Offences Act 2003 and one count of sexual activity with a female under 16 contrary to section 9(a) of the Sexual Offences Act 2003.

The panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction.

Mr Murphy was sentenced to 34 months imprisonment. He was listed on the Sex Offender Register indefinitely and subject to a Sexual Harm Prevention Order until further order under section 103 of the Sexual Offences Act 2003.

The allegations were therefore, found proved.

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

The panel was satisfied that the conduct of Mr Murphy, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Murphy 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 and maintain high standards in their own attendance and punctuality.

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 Murphy's actions were relevant to teaching, working with children and working in an education setting. The panel had sight of the sentencing remarks and noted that Mr Murphy had engaged with sexual activity with one of his pupils.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and security of pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Murphy's behaviour in committing the offence would be likely to

affect public confidence in the teaching profession if Mr Murphy was allowed to continue teaching.

The panel noted that Mr Murphy'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 sexual activity with a child.

The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered that there were a number of factors which increased the gravity of the offence, which aligned with the sentencing remarks. The panel noted that Mr Murphy had a pastoral responsibility for the pupil, the pupil was [REDACTED] and he used the pupil's friend as cover for meetings with the pupil. Mr Murphy invited the pupil to his home address on one occasion and did not distance himself from the pupil but maintained an inappropriate relationship, even after any sexual relationship came to an end.

Mr Murphy did not provide mitigation evidence to the panel. The panel took into account the reference in the sentencing remarks that "the vast majority of [Mr Murphy's] students went out of their way to impress upon the police how dedicated and selfless a teacher [he was], and what a great assistance [he] had been to them". It was noted that Mr Murphy had pleaded guilty. He had volunteered for disaster relief organisations and assisted with the deployment of the COVID-19 testing system in the intervening period of time when waiting for the Crown's charging decision.

Although the panel found that there was no criticism of Mr Murphy's teaching proficiency, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Murphy'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 Murphy 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 a punitive effect.

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

In the light of the panel's findings against Mr Murphy, which involved a conviction for two counts of penetrative sexual activity with a child under 16 and one count of non-penetrative sexual activity with a child, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a child.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Murphy 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 Murphy was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Murphy had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Murphy in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust.

The panel carefully considered 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 noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously in terms of its potential influence on pupils and be seen as a possible threat to the public interest.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;



- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- an 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;
- 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);
- violation of the rights of pupils.

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.

Mr Murphy's actions were deliberate. There were incidents of penetrative sexual activity and Mr Murphy had pursued an inappropriate relationship with a child.

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

Mr Murphy did have a previously good history, but the panel saw no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or contributed significantly to the education sector.

The panel saw no evidence that showed Mr Murphy was previously subject to disciplinary proceedings or warnings.

The panel was not provided with references from colleagues that could attest to Mr Murphy's abilities as a teacher.

The panel noted that Mr Murphy accepted responsibility for his actions. However, the panel was not provided with sufficient evidence to be able to comment on Mr Murphy's level of insight or remorse.

## **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 Murphy 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 Murphy. The convictions for sexual activity were a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Murphy was responsible for engaging in sexual activity with a child, which it considered to be serious sexual misconduct.

Although in an email to the presenting officer Mr Murphy stated he accepted responsibility, the panel was not provided with evidence as to Mr Murphy's level of insight or remorse.

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

In particular, the panel has found that Mr Murphy 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 and maintain high standards in their own attendance and punctuality.

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 Murphy fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they involved a conviction for two counts of penetrative sexual activity with a child under 16 and one count of non-penetrative sexual activity with a child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of 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 Murphy, 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/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Murphy, which involved a conviction for two counts of penetrative sexual activity with a child under 16 and one count of non-penetrative sexual activity with a child, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of an inappropriate relationship with a child." 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, "Although in an email to the presenting officer Mr Murphy stated he accepted responsibility, the panel was not provided with evidence as to Mr Murphy's level of insight or remorse." In my judgement, the lack of evidence 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 Murphy's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Murphy was allowed to continue teaching." I am particularly mindful of the finding of a conviction involving 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, 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 Murphy himself and the panel comment "Mr Murphy did not provide mitigation evidence to the panel. The panel took into account the reference in the sentencing remarks that "the vast majority of [Mr Murphy's] students went out of their way to impress upon the police how dedicated and selfless a teacher [he was], and what a great assistance [he] had been to them". It was noted that Mr Murphy had pleaded guilty. He had volunteered for disaster relief

organisations and assisted with the deployment of the COVID-19 testing system in the intervening period of time when waiting for the Crown's charging decision." The panel went on to say "The panel was not provided with references from colleagues that could attest to Mr Murphy's abilities as a teacher."

A prohibition order would prevent Mr Murphy 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, "The panel considered that there were a number of factors which increased the gravity of the offence, which aligned with the sentencing remarks. The panel noted that Mr Murphy had a pastoral responsibility for the pupil, the pupil was [REDACTED] and he used the pupil's friend as cover for meetings with the pupil. Mr Murphy invited the pupil to his home address on one occasion and did not distance himself from the pupil but maintained an inappropriate relationship, even after any sexual relationship came to an end."

I have also placed considerable weight on the finding of the panel that "Whilst there is evidence that Mr Murphy had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Murphy in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher, and he sought to exploit his position of trust."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Murphy 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 serious circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons and any sexual misconduct involving a child. The panel found that Mr Murphy was responsible for engaging in sexual activity with a child, which it considered to be serious sexual misconduct."

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, the lack of evidence of full insight or remorse and the risk of repetition.

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 Murphy 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 Murphy 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 Murphy 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: 2 February 2024**

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