



Teaching
Regulation
Agency

Mr Lawrence Levin: Professional conduct panel outcome

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

March 2024

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

Teacher:	Mr Lawrence Levin
Teacher ref number:	2156563
Teacher date of birth:	27 April 1954
TRA reference:	20215
Date of determination:	13 March 2024
Former employer:	Self-employed music tutor at Roundhay Music (the Music School), providing tuition for St Joseph’s Catholic Primary School, Leeds (the School)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 4 and 5 December 2023, 12 and 13 March 2024 and 22 March 2024 to consider the case of Mr Lawrence Levin (“Mr Levin”).

The panel members were Elizabeth Pollitt (teacher panellist – in the chair), Ian Hylan (teacher panellist) and John Abramson (lay panellist).

The legal adviser to the panel was Miss Francesca Poole of Eversheds-Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Fallon Alexis of QEB Hollis Whiteman.

Mr Levin was not present and was not represented on 4 and 5 December 2023. Mr Levin was present and was not represented on 12 and 13 March 2024.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 21 September 2023.

It was alleged that Mr Levin was convicted of a relevant offence, in that:

1. On 19 April 2021, he was convicted of intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2021, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981.

In the absence of a response from the teacher, the facts of the allegation is not admitted, nor is the allegation in respect of the conviction of a relevant offence.

Preliminary applications

Proceeding in Absence

In the absence of Mr Levin who failed to attend the hearing on 4 and 5 December 2023, the presenting officer applied for the case to proceed in Mr Levin's absence. The panel had regard to paragraph 19(1)(a) to (c) of the Teachers' Disciplinary (England) Regulations 2012 (the Regulations) and was satisfied that the notice of proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the Procedures) in that the notice was in the proper form and had been sent to Mr Levin and that the notice of proceedings was served in accordance with the statutory time period.

The panel noted it had discretion under paragraph 5.47 of the Procedures to proceed with the hearing in absence of Mr Levin. The panel was satisfied that Mr Levin was aware of the proceedings, given that he had been engaging with the process. The panel were mindful of Mr Levin's late service of documents to indicate a medical reason for not attending but noted that these documents were dated over two years ago, and no further evidence had been served to suggest Mr Levin was unable to attend. The panel noted Mr Levin's request to adjourn to seek legal advice, however the panel were satisfied Mr Levin had known about the proceedings since February 2023 and therefore he had been afforded plenty of time to seek legal advice. The panel therefore considered that Mr Levin had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel recognised that the allegations against Mr Levin are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that Mr Levin ought to be prohibited from teaching. The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and

maintain confidence in the profession. The panel thus decided that the case should proceed in his absence.

Additional documentation

The presenting officer applied to admit three documents:

- a bundle of documents supplied by Mr Levin (135 pages);
- correspondence relating to Mr Levin's contractual obligations (14 pages); and
- a jurisdictional bundle collated by the presenting officer (67 pages).

The panel noted that these documents were not served in accordance with paragraph 5.36 and 5.37 of the Procedures but considered that it was fair to admit such documentation under paragraph 5.33 of the Procedures, considering the relevance of the documentation to the pertinent issues in the case. The panel noted that the correspondence relating to Mr Levin's contractual obligations was important for the understanding of the jurisdictional concern Mr Levin had raised, and that the jurisdictional bundle would assist the panel in understanding the hearing.

The panel noted that there is a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when it is the defence seeking to introduce hearsay evidence, without the witness being in attendance. The former invokes considerations relating to the teacher's right to a fair hearing, whereas the latter does not, although there remains a question of the fairness between the parties. The panel had regard to whether it would be a sufficient safeguard for a hearsay warning to be given before the panel's determination on the facts. The panel were satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witness could be addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence is admitted.

The central question for the panel was whether it is fair in the circumstances to allow evidence to be put forward by the Presenting Officer without the opportunity for the witness to be cross-examined by Mr Levin. The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against Mr Levin and concluded that in the absence of Mr Levin, the documentation would enable the panel to better understand Mr Levin's case.

In the circumstances, the panel has decided that there are sufficient safeguards to protect Mr Levin against any unfairness caused by being unable to cross-examine any witness. The panel will be provided with a hearsay warning in due course, and the panel will determine what weight, if any it should attach to the evidence.

With regard to the overall question of fairness the panel therefore considered it would be fair to admit the evidence. The correspondence relating to Mr Levin's contractual obligations was important for the understanding of the jurisdictional concern Mr Levin had

raised, and the jurisdictional bundle would assist the panel in understanding this matter. Given the absence of Mr Levin at the hearing, the panel considered whether he had received the documents and had sufficient opportunities to make representations about them. The panel noted the bundle of documents supplied by Mr Levin included his own representations, and further that the correspondence relating to Mr Levin's contractual obligations had been served on Mr Levin, albeit late. The panel noted the jurisdictional bundle had not been served on Mr Levin, but that the contents included case law Mr Levin had himself referred to, alongside one additional case to afford the panel the full picture of the legal position on the matter.

The panel directed that the jurisdictional bundle be sent to Mr Levin on the first day of the hearing as this documentation had not been served on him in advance of the hearing.

On the second day of the hearing, the presenting officer made the panel aware of a further bundle of 21 pages supplied by Mr Levin to the TRA on the morning of the 5 December 2023. The panel considered the admission of this bundle. The panel noted the bundle included a further application for an adjournment alongside further documentation in respect of the jurisdictional arguments raised by Mr Levin. The panel considered that they had already decided on an application to proceed in absence of Mr Levin and therefore that the application for an adjournment was not relevant to the panel's deliberations. However, the panel noted they were due to consider the jurisdictional matters and that it would be fair to admit this bundle in respect of those issues. The panel therefore agreed to admit the bundle but redact the references made by Mr Levin to an application for an adjournment.

By reason of the above, the panel decided to admit each of the documents.

Private

The panel had regard to the Mr Levin's documentation which appeared to contain within it an application by Mr Levin for his name and the School he worked at to be redacted from the proceedings. Mr Levin concern appeared to be that the publication of his name, along with the publication of the name of the School would lead him to be identified by the public and for his home address to be identified, given that he had conducted lessons both at the School and at his home address for private tuition.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and to maintain confidence in the teaching profession. The panel considered their discretion under paragraph 11 of the Regulations and the first and second bullet point of paragraph 5.85 of the Procedures to exclude the public from proceedings but noted that the publication of any hearing decision with the teacher's name and the name of the School would be a matter for the Secretary of State and not the panel.

In considering whether to hear references to the School or Mr Levin in private, the panel balanced the reasons why Mr Levin has requested that the public be excluded against the competing reasons for which a public hearing is required. The panel noted that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel had regard to the memorandum of conviction within the bundle which stated that Mr Levin had been convicted of an offence of attempting to engage in sexual communication with a child under s. 15A of the Sexual Offences Act 2003 in a public court of law on 19 April 2021. The panel therefore considered that the details of Mr Levin's conviction were already in the public domain, and therefore decided not to exercise its discretion under the Regulations. Accordingly, the panel decided the hearing would be heard in public session.

Jurisdiction

The panel had regard to Mr Levin's documentation which contained within it an application for the panel to consider the jurisdiction of the TRA to hear the proceedings. Pursuant to regulation 7(1) of the Regulations, the panel found that it must consider cases referred to it by the Secretary of State. The panel noted that the instances where a panel has in the past considered the question of jurisdiction are where the factual situation differs somewhat from that understood to be the case at the time of the referral. The panel had regard to an email within Mr Levin's documentation which stated that it was open to Mr Levin to revisit his application at the hearing. The panel therefore considered that they had jurisdiction to consider the question of jurisdiction.

The panel then considered the central question of whether Mr Levin was a teacher at the time the alleged offence was committed.

The panel noted paragraph 2 of the Regulations defines a teacher as '*a person who is employed or engaged to carry out teaching work at (a) a School in England*'. The panel had regard to the contract between the Music School and Mr Levin for the supply of Music lessons, alongside the emails between the School and the TRA which set out Mr Levin's relationship with the School. The panel saw evidence within the bundle that Mr Levin had been delivering lessons at the School unsupervised.

The panel had regard to paragraph 3 of the Regulations, which define 'teaching work' as a) planning and preparing lessons and courses for pupils; b) delivering lessons to pupils; c) assessing the development, progress and attainment of pupils; and d) reporting on the development, progress and attainment of pupils. The panel had before them within the bundle a series of reports prepared by Mr Levin for a number of students. The panel also referred to an email from the Acting Headteacher of the School within the bundle which confirmed that Mr Levin carried out the activities set out in paragraph 3 of the Regulations. The panel found that, on balance, these showed that Mr Levin had been planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the

development, progress and attainment of pupils. The panel therefore found on balance that Mr Levin was engaged in carrying out teaching work, namely the delivery of Music lessons, at the School.

The panel also noted an email within the bundle from the Music School which confirmed that Mr Levin ceased working for them in Spring 2019. The panel had regard to the memorandum of conviction which stated that the offence was committed on 9 January 2019. The panel therefore considered Mr Levin was engaged in carrying out teaching work, namely the delivery of Music lessons, at the School at the time the offence was committed.

The panel found that on balance, Mr Levin was a teacher for the purposes of the Regulations and accordingly that they had jurisdiction to hear the proceedings.

Abuse of process

The panel had regard to a number of documents submitted by Mr Levin which appeared to allege that the proceedings were an abuse of process, specifically that due to his conviction [REDACTED], the proceedings would be double jeopardy. Additionally, Mr Levin appeared to allege that the TRA had acted oppressively in bringing the proceedings, specifically by infringing his human rights.

The panel considered that it was recognised law that the double jeopardy rule does not apply to tribunals such as TRA hearings. The character and purpose of the proceedings is quite different from any decision taken by the Criminal Courts [REDACTED]. It is a similar situation to where a tribunal such as this considers the same factual matters that had previously been considered in disciplinary proceedings by an employer. The procedures, the focus and the consequences of the outcome are very different.

The panel considered the papers and decided on balance, that the TRA had not acted oppressively in bringing the proceedings. The panel did not consider that Mr Levin's complaints regarding the case were justified and accordingly did not meet the test to demonstrate an abuse of process.

Amendment to allegations

An application was raised by the presenting officer to amend the allegations from:

'It was alleged that Mr Levin was convicted of a relevant offence, in that:

1. *On 19 April 2021, he was convicted of intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2021, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981.'*

to

'It was alleged that Mr Levin was convicted of a relevant offence, in that:

1. *On 19 April 2021, he was convicted of intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2019, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981.'*

The panel had regard to paragraph 5.83 of the Procedures, that the panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

The panel reviewed the memorandum of conviction which identified that the offence was committed on 9 January 2019 and considered the amendment proposed was a correction of a typographical error which did not change the nature, scope or seriousness of the allegations. The panel found there was no prospect of Mr Levin's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice was caused to Mr Levin. The panel therefore decided to amend the allegation as proposed.

Application for adjournment

At the start of the hearing on 12 March 2024, the panel read the decision made by the panel on jurisdiction on 5 December 2023 and provided Mr Levin with a written copy. Mr Levin then made an application to adjourn the hearing to consider the decision made by the panel. The panel noted that the TRA had not previously provided a transcript to Mr Levin despite the hearing having been resumed more than three months from the date it was opened, although noted the obligation was to provide a note or transcript of evidence considered. Mr Levin indicated that he did not require the full transcript, but that his concern was with the jurisdiction decision. The panel noted they had considered in detail the documents provided by Mr Levin to the hearing in December 2023 and the hearing bundle. The panel were content that the detail of the matters considered when deciding on jurisdiction were reflected in the decision on jurisdiction, a written copy of which was also provided to Mr Levin. As a result, the panel were mindful of the interest of regulatory proceedings proceeding in a reasonable time frame and balanced this against allowing Mr Levin further time to consider the decision in full. The panel therefore decided to grant an adjournment from 2:45pm to 4.15pm on 12 March 2024 to allow Mr Levin time to digest that decision.

Application for adjournment

Another application for an adjournment was made by Mr Levin on 12 March 2024 for further time to consider the preliminary decisions. The presenting officer for the TRA was neutral on the application. The panel noted that there was no new information presented to the panel as part of Mr Levin's application. The panel considered the application and decided not to grant an adjournment, noting that any further adjournment would lead to a

lengthy delay to the proceedings. The panel did however note that they had run out of time for the day and therefore that Mr Levin would have time overnight before the hearing recommenced on 13 March 2024 to consider the preliminary decisions further.

Application to review previous decision

An application was made by Mr Levin on 13 March 2024 requesting that the panel reconsider their earlier decision on jurisdiction. The panel had regard to this application and their powers under 5.77 of the Procedures to review an earlier decision. The panel considered whether it would be fair and proportionate to review their earlier decision. The panel considered whether the application by Mr Levin had identified any change in circumstances. The panel concluded there was no new evidence or evidence of a change in circumstances included in Mr Levin's application to support his position. The panel noted that their earlier decision had considered the definition of 'Teacher' as set out in the Teacher's Disciplinary (England) Regulations 2012 and had applied the functional test set out in paragraphs 2 and 3. The panel found that Mr Levin was engaged as a Teacher at the time of the offence. Accordingly, the panel did not consider that there was a good reason to review their earlier decision and therefore did not proceed to review their earlier decision.

Summary of evidence

Documents

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

Section 1: Chronology and List of Key People – pages 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 23

Section 3: Teaching Regulation Agency documents – pages 24 to 83

In addition, the panel agreed to accept the following:

Bundle of Teacher correspondence (135 pages)

Correspondence with the Music School Mr Levin had a contractual relationship with (14 pages)

Jurisdictional bundle (67 pages)

Additional documents provided by the Teacher on 5 December 2023 (21 pages)

Additional Teacher's bundle served in advance of March 2024 hearing (149 pages)

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

Mr Levin gave witness evidence during the hearing.

No other witnesses were called on behalf of either party to give oral evidence at the hearing.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Levin had in place a contract with Roundhay Music (“the Music School”), a music organisation. There was a contract in place between Roundhay Music and St. Joseph’s Catholic Primary School (“the School”) to provide music tutoring services to pupils at the School. In November 2003, Mr Levin began tutoring pupils at the School.

In January 2019, Mr Levin engaged in an online chat with a person whom he believed to be a 13-year-old girl but who was actually an undercover police officer. Mr Levin was subsequently arrested.

Findings of fact

The findings of fact are as follows:

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

1. **On 19 April 2021, you were convicted of intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2019, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981.**

The panel noted this allegation was admitted by Mr Levin.

The panel referred to the memorandum of conviction and the print out from the Police National Computer (PNC) record included within the bundle. The panel accepted the memorandum of conviction and the PNC record as conclusive proof of the conviction and the facts necessarily implied by the conviction.

Findings as to conviction of a relevant offence

Having found the facts of the allegation proved, the panel went on to consider whether Mr Levin’s conduct amounted to a conviction of a relevant offence.

The panel was satisfied that the conduct of Mr Levin, in relation to the facts it found proved, involved breaches of the Teachers’ Standards. The panel considered that by

reference to Part Two of the Teachers' Standards, Mr Levin 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils and/or members of the public as the conduct was directed to a person of school age.

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

The panel noted that Mr Levin's behaviour ultimately led to a sentence of a community order and a sexual harm prevention order made on conviction for five years, which was indicative of the seriousness of the offences committed.

This was a case concerning an offence relating to sexual communication 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 took into account Mr Levin's account of his [REDACTED].

Despite this, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Levin's fitness to be a teacher. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

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

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

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

In the light of the panel's findings against Mr Levin, which involved the conviction of a relevant offence, namely intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2019, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Levin was not treated with the utmost seriousness when regulating the conduct of the profession. In particular, the panel noted that Mr Levin is on the sex offenders' register and is also subject to a sexual harm prevention order, and that this could result in a negative impact on public confidence in the profession.

No evidence has been adduced of Mr Levin's abilities as a teacher. The panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Levin in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

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

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature; and

The panel also noted it should attach appropriate weight and seriousness to online behaviours including, but not limited to: online misconduct; facilitating online abuse; or facilitating inappropriate relationships. Engaging in the offence for which Mr Levin was convicted preys on the vulnerable and fuels an industry that exploits children.

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

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

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

No previous disciplinary orders have been drawn to the panel's attention. However, there was no evidence as to Mr Levin's record as a teacher. The panel also noted that in the time Mr Levin was teaching, there was no evidence that Mr Levin demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.

No statements were adduced for the purpose of this professional conduct panel meeting attesting to Mr Levin's character or teaching ability.

The panel considered Mr Levin's statement to the panel and noted that Mr Levin informed the panel that following his conviction, Mr Levin had become [REDACTED]. The panel felt that they had insufficient knowledge of Mr Levin's rehabilitation to consider the impact this had on him, which would be of particular importance to the panel given the seriousness of the offence. Despite this, the panel noted that Mr Levin showed a degree of insight and remorse into his offending, [REDACTED]. The panel noted Mr Levin had stated to the panel that he was grateful that a real child was not harmed by his offence. The panel noted this showed a degree of insight into the impact his actions may have had, had the person been a real child and not a police officer.

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 Levin 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 Levin. The seriousness of the offence was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. These cases include 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. The panel found that Mr Levin was responsible for such activity, specifically in intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2019, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981. Although the panel noted that Mr Levin had a degree of insight into his offence, the panel was not sufficiently assured on the basis of the evidence made available that the risk of repetition was low. The panel therefore did not consider that a review period was appropriate.

As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the 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 Lawrence Levin should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Levin 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 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 Levin fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of a relevant offence, for attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification.

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 Levin, 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 Levin, which involved the conviction of a relevant offence, namely intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2021, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other 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, which the panel sets out as follows, "The panel felt that they had insufficient knowledge of Mr Levin's rehabilitation to consider the impact this had on him, which would be of particular importance to the panel given the seriousness of the offence. Despite this, the panel noted that Mr Levin showed a degree of insight and remorse into his offending, [REDACTED]. The panel noted Mr Levin had stated to the panel that he was grateful that a real child was not harmed by his offence. The panel noted this showed a degree of insight into the impact his actions may have had, had the person been a real child and not a police officer." 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 Levin's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Levin was allowed to continue teaching." I am particularly mindful of the finding of a conviction for attempting to engage in sexual communication 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 Levin himself and the panel comment “No previous disciplinary orders have been drawn to the panel’s attention. However, there was no evidence as to Mr Levin’s record as a teacher. The panel also noted that in the time Mr Levin was teaching, there was no evidence that Mr Levin demonstrated exceptionally high standards in both his personal and professional conduct or of having contributed significantly to the education sector.”

A prohibition order would prevent Mr Levin 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 following comment “The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.”

I have also placed considerable weight on the finding of the panel that “The panel also noted it should attach appropriate weight and seriousness to online behaviours including, but not limited to: online misconduct; facilitating online abuse; or facilitating inappropriate relationships. Engaging in the offence for which Mr Levin was convicted preys on the vulnerable and fuels an industry that exploits children.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Levin has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

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. The panel found that Mr Levin was responsible for such activity, specifically in intentionally attempting to engage in sexual communication with a child for the purpose of obtaining sexual gratification on 9 January 2021, contrary to section 15A(1) of the Sexual Offences Act 2003 and section 1(1) of the Criminal Attempts Act 1981. Although the panel noted that Mr Levin had a degree of insight into his offence, the panel was not sufficiently assured on the basis of

the evidence made available that the risk of repetition was low. The panel therefore did not consider that a review period was appropriate.”

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 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 Lawrence Levin 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 Levin 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 Levin 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 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 22 April 2024

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