



Teaching
Regulation
Agency

Mr Sukhwinder Singh: Professional conduct panel meeting outcome

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

June 2024

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

Teacher: Mr Sukhwinder Singh

Teacher ref number: 1768460

Teacher date of birth: 24 September 1995

TRA reference: 22290

Date of determination: 25 June 2024

Former employer: Boldon School, Boldon

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 25 June 2024, to consider the case of Mr Sukhwinder Singh.

The panel members were Mr Terry Hyde (former teacher panellist – in the chair), Mrs Jayne Bamford (lay panellist) and Miss Victoria Miller (teacher panellist).

The legal adviser to the panel was Miss Rachel Phillips of Blake Morgan LLP.

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 Singh that the allegations be considered without a hearing. Mr Singh 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, or Mr Singh.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 17 June 2024.

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

He had been convicted at any time, of the following relevant offence:

1. **On or around 24 May 2023, you were convicted of attempting to engage and/or engaging in sexual communications with a child contrary to Sexual Offences Act 2003 s.15A (1).**

Mr Singh admitted the facts of the allegations and that the offence amounted to a conviction for 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: Chronology and List of Key People – pages 4 to 5.

Section 2: Notice of Referral and Response to Notice of Meeting – pages 6 to 21.

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 22 to 25.

Section 4: Teaching Regulation Agency documents – pages 26 to 263.

Section 5: Teacher's Documents – pages 264 to 271.

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 Singh on 26 March 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 Singh 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.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Mr Singh was previously employed as a Maths teacher at Boldon School ("the School"). He commenced employment at the School on 1 September 2020.

On 28 February 2023, Mr Singh was arrested by the police at his home address on suspicion of attempting to engage in sexual communication with a 13-year-old child online between 24 January and 22 February 2023.

On 10 May 2023, Mr Singh was charged with attempted sexual communications with a child. On 24 May 2023, he entered a guilty plea, and was convicted at South Shields Magistrates Court.

On 23 June 2023, Mr Singh was sentenced in Newcastle Crown Court.

On 04 July 2023, Mr Singh resigned from his position at the School with immediate effect.

Findings of fact

The findings of fact are as follows:

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

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

1. **On or around 24 May 2023, you were convicted of attempting to engage and/or engaging in sexual communications with a child contrary to Sexual Offences Act 2003 s.15A (1).**

The panel was presented with a statement of agreed facts, signed by Mr Singh, in which this allegation was admitted.

The panel was also presented with the messages from Mr Singh to an individual, who he believed to be, a 13-year-old child. The panel noted that Mr Singh accepted that several photos were sent to the child from within his classroom.

The panel was also presented with a certificate of conviction from Newcastle Crown Court, confirming that Mr Singh was convicted, on 24 May 2023, of the offence particularised in the allegation.

Mr Singh was sentenced to:

- a. 4 months imprisonment, suspended for 18 months;
- b. Partake in the Horizon programme for 35 days;
- c. 30 days of Rehabilitation Activity;
- d. A notification that he will or may be subject to barring from working with children and/or vulnerable adults;
- e. Be subject to notification requirements for 7 years; and
- f. A sexual harm prevention order for 7 years.

The panel was presented with the sentencing remarks of the presiding judge sitting at Court on 23 June 2023, summarising the offence and the reasons for the sentence imposed.

The panel accepted the certificate of conviction as conclusive proof of the commission of these offence by Mr Singh.

Based on the evidence before it, and Mr Singh's admission, the panel found the allegation proven.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Singh in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, he 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, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- 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.

In addition, the panel noted that, pursuant to the Advice it is likely that:

- A conviction for any offence that led to a term of imprisonment, including any suspended sentence will be considered "a relevant offence".
- A conviction for any offence that relates to, or involves, sexual communication with a child will be considered "a relevant offence".

Over and above these matters, the panel determined that Mr Singh's actions were directly relevant to teaching, working with children and working in an education setting. The conviction is extremely serious in nature and involved an individual Mr Singh believed to be a child. The panel, therefore, considered Mr Singh's actions to be an abuse of a position of trust.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Singh's behaviour in committing this offence would 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 be at the very core of the practice of a teacher with a duty of care towards children. As the Court recognised when imposing the sentence, Mr Singh *"believed that he was in touch with a 13-year-old, made suggestive comments, and asked for photos"*.

Mr Singh's behaviour ultimately led to a custodial sentence, which demonstrated the public and child protection issues raised by his actions together with the other aspects of the sentence imposed.

The panel did not consider there to be any relevant mitigating circumstances in relation to the commission of the offence.

For all these reasons, the panel found that the seriousness of the offending behaviour that led to the conviction was directly relevant to Mr Singh's ongoing suitability to teach. The panel considered that a finding that this conviction was for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils and protection of other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the nature of the offence for which Mr Singh was convicted and having regard to the specific context, with particular reference to the sentencing remarks, there was an extremely strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public. Mr Singh's actions raised obvious and significant public and child protection concerns.

The panel considered that public confidence in the profession would be very seriously weakened if conduct such as that found against Mr Singh was not treated with the utmost seriousness when regulating the profession. This was conduct that was, very clearly, at

the most serious end of the spectrum, amounting to an egregious breach of the trust placed in him as a teacher.

For the same reasons, the panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

Given the nature of the allegations in this case and in the absence of any evidence that he ought to be regarded as an exceptional practitioner, the panel concluded there was not a strong public interest consideration in retaining him in the profession.

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 Singh.

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 Singh. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust;
- sexual misconduct, e.g. 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);
- a lack of integrity... especially where these behaviours have been repeated.

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.

The panel considered that the following mitigating factors are present in this case:

- Mr Singh is noted to have engaged with a number of agencies in relation to his rehabilitation.
- Mr Singh's conduct may be seen as an isolated episode in an otherwise unblemished teaching career.
- Mr Singh pleaded guilty in the criminal proceedings at the first possible opportunity.
- Mr Singh made full admissions to the allegation against him, and has engaged with the TRA's investigation.

Weighed against this, the aggravating features in this case included that:

- Mr Singh's actions were pre-meditated and deliberate.
- Mr Singh initiated first contact with the child.
- Mr Singh solicited explicit images from a child.
- Mr Singh engaged with this communication with the child whilst on school premises and disclosed his profession to the child.
- Despite the child disclosing her age on a number of occasions, Mr Singh repeatedly engaged in sexual communication with the child.
- Mr Singh's actions amounted to a clear breach of the Teachers' Standards and raised serious public and child protection concerns.
- Mr Singh has been convicted of and sentenced for a very serious offence involving a child, for which he received a custodial sentence.
- Mr Singh was in a position of trust and responsibility. He had fallen very far short of the standards expected of him in that regard.

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 Singh of prohibition.

Mr Singh's actions were fundamentally incompatible with his being a teacher. This was conduct of the most serious nature. The nature and gravity of the offence was a matter of significant concern. Accordingly, there were particularly strong public interest considerations in this case in terms of the safeguarding and wellbeing of pupils and protecting the public, public confidence in the teaching profession and the declaring of proper standards of conduct in this case.

The panel considered Mr Singh's actions damaged public confidence in him, as a professional, and the profession as a whole.

Mr Singh's behaviour led to him receiving a suspended sentence, which is indicative of the seriousness of the offence. In its deliberations, the panel noted, in particular, the following remarks of the sentencing judge:

- *"...you repeatedly asked her for images. You said you bet she flirted with her teachers, and that if you were her teacher she would bend over so you could see up her skirt. You asked her to do that, and you asked repeatedly for images of her breasts".*
- *"Clearly, and it's properly conceded, this crossed the custody threshold, being so serious that only a sentence of imprisonment is appropriate. Neither a fine or community order is an appropriate sentence because there was sustained contact with someone you believed to be just 13 years old".*

The panel was therefore of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Singh.

Accordingly, it 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 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours 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 their professional position to influence or exploit a person or persons; and
- any sexual misconduct involving a child.

The panel considered both of these behaviours to be directly applicable in this case.

In light of this and the panel's comments, above, regarding the seriousness of these offences, the panel decided its findings indicated a situation in which a review period would not be appropriate.

The public interest considerations that Mr Singh's conviction gives rise to were such that this was necessary, appropriate and proportionate.

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

In particular, the panel has found that Mr Singh 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, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

- 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 Singh 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 Singh 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 attempting to engage and/or engaging in sexual communications 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 Singh, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that “Mr Singh's actions were directly relevant to teaching, working with children and working in an education setting. The conviction is extremely serious in nature and involved an individual Mr Singh believed to be a child. The panel, therefore, considered Mr Singh's actions to be an abuse of a position of trust.” A prohibition order would therefore prevent such a risk from being present in the future.

The panel has not commented on Mr Singh's insight or remorse. However, the panel has noted that Mr Singh has engaged with a number of agencies in relation to his rehabilitation, pleaded guilty in criminal proceedings at the first opportunity, made full admissions to the allegation against him, and has engaged with the TRA's investigation.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed that “Mr Singh's behaviour in committing this offence would 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 be at the very core of the practice of a teacher with a duty of care towards children.” I am particularly mindful of the finding of 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 Singh himself. The panel has commented that “Mr Singh's conduct may be seen as an isolated episode in an otherwise unblemished teaching career.”

A prohibition order would prevent Mr Singh 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 seriousness of the offence committed by Mr Singh which resulted in a suspended prison sentence. The panel has said:

“Mr Singh's actions were fundamentally incompatible with his being a teacher. This was conduct of the most serious nature. The nature and gravity of the offence was a matter of significant concern. Accordingly, there were particularly strong public interest considerations in this case in terms of the safeguarding and wellbeing of pupils and protecting the public, public confidence in the teaching profession and the declaring of proper standards of conduct in this case.”

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

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.

The panel has found that the behaviours of “serious sexual misconduct” and “any sexual misconduct involving a child” both apply in this case. The Advice indicates that where proven these behaviours militate against allowing a review period.

I have considered whether 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, the serious nature of the offence of which Mr Singh was convicted means that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Sukhwinder Singh 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 Singh 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 Sukhwinder Singh 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 loop at the end.

Decision maker: David Oatley

Date: 28 June 2024

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