



Teaching
Regulation
Agency

Ms Samantha Barguss: Professional conduct panel meeting outcome

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

July 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	12

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

Teacher:	Ms Samantha Barguss
Teacher ref number:	1251157
Teacher date of birth:	3 January 1994
TRA reference:	21475
Date of determination:	1 July 2024
Former employer:	Hall Green Infant School, Birmingham

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 1 July 2024 by way of a virtual meeting, to consider the case of Ms Samantha Barguss.

The panel members were Mr Terry Hyde (former teacher panellist – in the chair), Ms Susan Humble (lay panellist) and Ms Aisha Miller (teacher panellist).

The legal adviser to the panel was Ms Natalie Kent of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Barguss that the allegations be considered without a hearing. Ms Barguss provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jack Ashford of Capsticks LLP, Ms Barguss or any representative for Ms Barguss.

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

Allegations

The panel considered the allegations set out in the notice of meeting dated 18 April 2024.

It was alleged that Ms Barguss was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at Hall Green Infant School ('the School'):

1. Between 22 July 2020 and 25 January 2023, she posted and/or allowed to be displayed one or more inappropriate images and/or videos of herself on the internet.
2. Between 22 July 2020 and 25 January 2023, she posted and/or allowed to be displayed one or more messages and/or images on the internet offering to sell sexual services.

The panel noted that Ms Barguss admitted allegations 1 and 2, as set out in the statement of agreed facts signed by Ms Barguss on the 25 February 2024 and subsequently signed by the presenting officer on the 4 March 2024.

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 6
- Section 2: Notice of referral, response and notice of meeting – pages 7 to 24
- Section 3: Statement of agreed facts and presenting officer representations – pages 25 to 28
- Section 4: TRA documents – pages 29 to 49
- Section 5: Teacher documents – pages 50 to 159

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 Ms Barguss on 25 February 2024, and subsequently signed by the presenting officer on 4 March 2024.

Decision and reasons

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

In advance of the meeting, the TRA agreed to a request from Ms Barguss 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.

On the 1 September 2019, Ms Barguss was employed as a teacher at Hall Green Infant School ('the School').

On an unknown date, the School received an anonymous complaint with regards to Ms Barguss.

On the 24 January 2023 an initial meeting was held with Ms Barguss and she denied all of the allegations. Individual A referred the concerns to the LADO who confirmed that the concerns were not within their remit to investigate.

On the 25 January 2023, Ms Barguss admitted aspects of the allegations and resigned with immediate effect.

On the 1 February 2023, Birmingham City Council ('the Council') referred the concerns to the TRA.

On the 25 February 2024, Ms Barguss provided a signed statement of agreed facts.

Findings of fact

The findings of fact are as follows:

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

- 1. Between 22 July 2020 and 25 January 2023, you posted and/or allowed to be displayed one or more inappropriate images and/or videos of yourself on the internet.**

The panel noted that Ms Barguss admitted this allegation. Notwithstanding, the panel considered the evidence before it and came to a determination based on the balance of probabilities.

The panel considered the screenshots of a profile under the name of “[REDACTED]”, which was contained within the letter sent to the School. The author of the letter stated that the profile was being run by Ms Barguss, and that this was clear due to links with her Facebook posts.

The panel noted that there were numerous inappropriate images/videos within the ‘movies’ and ‘gallery’ sections of the profile, many of which had graphic titles. The still images of the movies appeared to show Ms Barguss engaging in sexual intercourse. The images within the gallery section of the profile showed Ms Barguss’ body from a range of angles, whilst she was wearing minimal clothing.

The panel considered the statement of Ms Barguss. Ms Barguss stated that Covid and lockdown had occurred during her time at the School, which she stated had negatively impacted upon her [REDACTED] and which had taken a toll on her and [REDACTED] relationship. Ms Barguss explained that during this period, she and [REDACTED] had made a profile on the website ‘[REDACTED]’, in order to meet ‘like-minded’ individuals. Ms Barguss explained that she uploaded photos and videos to this profile, which she stated was necessary to enable them to speak to other members of the site. Ms Barguss explained that she thought this would be a safe and discreet website which would allow her and [REDACTED] to keep their private and work lives separate.

Ms Barguss submitted that she and [REDACTED] thought about using a normal dating site but that would have meant that they had to use face pictures, and they wanted to keep this side of their life very private, and ‘[REDACTED]’ allowed them to keep their identity hidden. Ms Barguss stated that she hid her tattoos in the pictures and that she had them taken in a way that, she perceived, prevented her identity being exposed. The panel did not consider this was the case and noted that some of the photographs and still images from the videos clearly showed Ms Barguss’ face.

The panel therefore found allegation 1 proven and determined that Ms Barguss had uploaded the images and videos and that the images and videos were inappropriate.

2. Between 22 July 2020 and 25 January 2023, you posted and/or allowed to be displayed one or more messages and/or images on the internet offering to sell sexual services.

The panel noted that Ms Barguss admitted this allegation, but in her statement denied that it was for any financial gain. Notwithstanding, the panel considered the evidence before it and came to a determination based on the balance of probabilities.

The panel considered the anonymous letter sent to Individual A, the [REDACTED] of the School, in 2022, in which the author had stated that Ms Barguss was “*openly working as an escort*”.

The panel considered the screenshots of a profile under the name of “[REDACTED]”, which was contained within the letter sent to the School. The author of the letter stated that the profile was being run by Ms Barguss, and that this was clear due to links with her Facebook posts.

Within the profile Ms Barguss stated that, “*I am exceptionally popular and always eager to add to my impressive, ever growing, base of regular clients. I love my job and I desire nothing more than to gratify you in every way possible.*” The profile further stated that this was not her only job, and that it is “*a secondary venture of pleasure and naughtiness*”. The profile continued, “*I am rarely available the same day, if you are on a business trip then please book in advance*”.

The panel noted that Ms Barguss had set out her availability and pricing structure within the profile, for example detailing that she charged £120 for half an hour, £220 for an hour and £1,600 overnight.

The panel considered the statement of Ms Barguss. Ms Barguss stated that she never gained any income from the website, and that that was never her and [REDACTED] intention when using it. She stated that their only intention was to explore their own relationship. Ms Barguss stated that, “*once covid 19 rules were relaxed, we met a few people that we had established relationships with on a social basis.*”

In considering this allegation, the panel found the price list included within the profile particularly significant and noted that this was a clear indication of an intention to sell sexual services. The panel did not consider that this evidence was compatible with the suggestion that Ms Barguss and her [REDACTED] had solely intended to meet other like-minded couples.

The panel therefore found allegation 2 proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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 Ms Barguss in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Barguss 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
- 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 was satisfied that the conduct of Ms Barguss, in particular in seeking to sell sexual services, fell significantly short of the standards expected of the profession.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1 and 2 based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

The panel noted that the allegations took place outside the education setting in that Ms Barguss was displaying images of herself online and offering to sell sexual services online.

On balance, the panel considered that Ms Barguss' conduct was relevant to her position as a teacher, in that as a teacher she is expected to be a role model to students. The panel considered that it was at least possible that pupils may have been able to find this profile and that viewing their teacher in this way may lead pupils to consider that posting images of this nature is a way to make money. The panel considered that this was a potentially dangerous perception.

Accordingly, on the balance of probabilities, the panel was satisfied that Ms Barguss was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel considered that in many ways this had been evidenced by the complaint to the school which stated that, "*for a teacher such behaviour is unacceptable.*"

The panel therefore found that Ms Barguss' actions constituted conduct that may bring the profession into disrepute and indeed in some ways the panel considered that there had already been institutional damage as a result of the conduct.

Having found the facts of particulars 1 and 2 proved, the panel further found that Ms Barguss' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, 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 maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Ms Barguss, which involved posting images of herself on the internet and offering to sell sexual services, there was a strong public interest consideration in the maintenance of public confidence in the profession.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Barguss were not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel also considered the public interest considerations in favour of the teacher and decided that there was potentially a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and/or she is able to make a valuable contribution to the profession.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Barguss. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- 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);

The panel considered that there was a failure to promote the welfare of children on the basis that, as set out above, there was at least a risk that pupils could find this profile and form a view that to sell sexual services may be a way to earn money.

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

There was no evidence that Ms Barguss' actions were not deliberate.

There was no evidence to suggest that Ms Barguss was acting under extreme duress.

There was no evidence that Ms Barguss demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to the education sector.

The panel considered the statement of Ms Barguss, where she stated that during her time at the School we went through covid and lockdown, which was not a good time for

her and [REDACTED]. The panel did not find Ms Barguss' explanation that she and [REDACTED] had been using the "[REDACTED]" website as a dating site to meet like-minded couples credible or compelling. The panel also gave little weight to Ms Barguss' statement that she and [REDACTED] opted to use this site as it allowed them to keep their identity hidden as there was evidence of her face in the still images from the videos.

Ms Barguss submitted, within her statement, that she takes her position and role as a teacher very seriously, and now acknowledges the misjudgement of her actions, which she states were both naïve and deeply regrettable. She stated that she realises that working in such a professional and respectable career, she should not have used "[REDACTED]" as a way to support [REDACTED] and explore her relationship with [REDACTED].

The panel did not consider that Ms Barguss had demonstrated any appreciation of how her actions could have impacted upon the pupils that she taught and appeared to have a fundamental lack of understanding that what she portrays online attaches to her as a teacher and the teaching profession generally. The panel further considered that Ms Barguss had sought to minimise the misconduct throughout her explanations and had sought to criticise the [REDACTED] handling of the incident rather than accepting any wrongdoing herself.

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 Ms Barguss 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 Ms Barguss. The fact that Ms Barguss had been seeking to sell sexual services and the impact that this could have had on pupils' perceptions of the sex work industry 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 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. The panel found that none of these behaviours to be relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. Whilst the panel did not find that any of the behaviours listed within the advice were relevant, the panel did consider that this was an extremely serious matter where the public interest would have a greater relevance. The panel was satisfied that a longer review period was necessary to protect the public interest as until Ms Barguss was able to develop significant insight into the reasons why this conduct was unacceptable, the panel considered there was a risk of repetition.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 5 years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Ms Samantha Barguss should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Ms Barguss 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
- 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 was satisfied that the conduct of Ms Barguss involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education.

The panel finds that the conduct of Ms Barguss fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a teacher posting messages on social media that presented a clear indication of an intention to sell sexual services.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 Ms Barguss, 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 notes that it "...considered that there was a failure to promote the welfare of children on the basis that, as set out above, there was at least a risk that pupils could find this profile and form a view that to sell sexual services may be a way to earn money." 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 it sets out as follows:

"Ms Barguss submitted, within her statement, that she takes her position and role as a teacher very seriously, and now acknowledges the misjudgement of her actions, which she states were both naïve and deeply regrettable. She stated that she realises that working in such a professional and respectable career, she should not have used "[REDACTED]" as a way to support [REDACTED] and explore her relationship with [REDACTED].

The panel did not consider that Ms Barguss had demonstrated any appreciation of how her actions could have impacted upon the pupils that she taught and appeared to

have a fundamental lack of understanding that what she portrays online attaches to her as a teacher and the teaching profession generally. The panel further considered that Ms Barguss had sought to minimise the misconduct throughout her explanations and had sought to criticise the [REDACTED] handling of the incident rather than accepting any wrongdoing herself.”

In my judgement, the lack of evidence of full insight and 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 records that it “...therefore found that Ms Barguss’ actions constituted conduct that may bring the profession into disrepute and indeed in some ways the panel considered that there had already been institutional damage as a result of the conduct.” I am particularly mindful of the finding of a teacher acting in a way that indicated that they were seeking to sell sexual services in this case and the very negative impact that such a finding may have 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 unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 Ms Barguss herself. The panel notes that “There was no evidence that Ms Barguss demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to the education sector.”

A prohibition order would prevent Ms Barguss from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on both the serious nature of the misconduct found as well as the panel’s comments concerning the lack of evidence of full insight and remorse on Ms Barguss’ behalf, and the risk this presents of a repetition of this behaviour in the future. I have also placed weight on the likely negative impact of her behaviour on the reputation of the profession.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Barguss has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by 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 a five-year review period.

I have considered the panel's concluding comments:

"The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. Whilst the panel did not find that any of the behaviours listed within the advice were relevant, the panel did consider that this was an extremely serious matter where the public interest would have a greater relevance. The panel was satisfied that a longer review period was necessary to protect the public interest as until Ms Barguss was able to develop significant insight into the reasons why this conduct was unacceptable, the panel considered there was a risk of repetition."

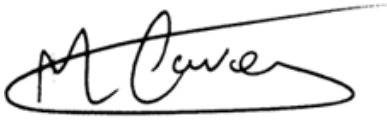
I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that in my judgment a five-year review period is proportionate to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the misconduct, the lack of evidence of either full insight or remorse, and the likely negative impact of Ms Barguss' actions on the standing of the profession.

I consider therefore that a five-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Samantha Barguss is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 8 July 2029, five years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Barguss remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Ms Samantha Barguss has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 3 July 2024

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