



Teaching
Regulation
Agency

Mr Darryll Prew Professional conduct panel meeting outcome

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

August 2024

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

Teacher:	Mr Darryll Prew
Teacher ref number:	9358808
Teacher date of birth:	8 January 1970
TRA reference:	21387
Date of determination:	6 August 2024
Former employer:	Queen Mary's Grammar School, West Midlands

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 6 August 2024, to consider the case of Mr Darryll Prew.

The panel members were Mr Alan Wells (former teacher panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Mr Dara Islam (lay panellist).

The legal adviser to the panel was Miss Abbie Swales of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Prew that the allegation be considered without a hearing. Mr Prew 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, Louise Murphy-King or Mr Prew.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 24 May 2024.

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

1. On 13 October 2022, he was convicted of:
 - a. abuse of position of trust in that he had sexual intercourse with a child;
 - b. abuse of position of trust in that he had sexual intercourse with a child;
 - c. abuse of position of trust in that he had sexual intercourse with a child;
 - d. abuse of position of trust in that he had sexual intercourse with a child;
 - e. abuse of position of trust in that he had sexual intercourse with a child; and
 - f. abuse of position of trust in that he had sexual intercourse with a child.

Mr Prew admitted that he was convicted of the above offences and that he is guilty of having been convicted of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and List of Key People – pages 3 to 4

Section 2: Notice of Referral and Response to Notice of Referral – pages 5 to 13

Section 3: SOAF and PO representations – pages 14 to 17

Section 4: Teaching Regulation Agency documents – pages 18 to 97

Section 5: Teacher's Representations – pages 98 to 102

Section 6: Notice of Meeting – pages 103 to 106

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 Prew on 9 April 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

The panel considered at the outset whether the allegation should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted and that Mr Prew had requested a meeting, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

From September 1994 to October 2001, Mr Prew worked as a music teacher at St Edmund's Catholic School ("School A").

Mr Prew was subsequently employed as a cover supervisor/piano teacher at Queen Mary's Grammar School ("School B") from 9 March 2020.

In November 2021, School B was made aware of allegations concerning Mr Prew in or around 2001 relating to the time he worked at School A. Mr Prew resigned from School B on 11 July 2022.

Findings of fact

The findings of fact are as follows:

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

1. On 13 October 2022 you were convicted of:

- a) abuse of position of trust in that you had sexual intercourse with a child;**
- b) abuse of position of trust in that you had sexual intercourse with a child;**
- c) abuse of position of trust in that you had sexual intercourse with a child;**
- d) abuse of position of trust in that you had sexual intercourse with a child;**
- e) abuse of position of trust in that you had sexual intercourse with a child; and**
- f) abuse of position of trust in that you had sexual intercourse with a child.**

The panel was provided with a Certificate of Conviction confirming that Mr Prew was convicted of the alleged offences on 13 October 2022 upon his own confession. On 10 November 2022, Mr Prew was sentenced to 2 years and 4 months' imprisonment. He was also required to sign the Sex Offender's Register for 10 years.

The panel accepted the Certificate of Conviction as conclusive proof of both the convictions and the facts necessarily implied by the convictions. The sentencing transcript also confirmed Mr Prew's convictions of the above offences.

In a statement of agreed facts, Mr Prew admitted the convictions. He also admitted that Pupil A was a pupil at School A; and was [REDACTED] years of age when he had sexual intercourse with [REDACTED]. He admitted that he visited Pupil A at home and had sexual intercourse with [REDACTED]. He admitted that he had sexual intercourse with [REDACTED] during a school trip abroad. He admitted that he had sexual intercourse with Pupil A in a field. He also admitted that he took Pupil A to a dirt track in his car and had sexual intercourse with [REDACTED]. He admitted also that he had sexual intercourse with Pupil A in classrooms.

The panel found it proven that Mr Prew had been convicted of the above offences.

Findings as to conviction of a relevant offence

The offences were committed by Mr Prew prior to the coming into force of the current Teachers Standards, therefore the panel had regard to its knowledge and experience of teaching standards at that time and considered that the teacher pupil boundary had been an important one then, and that Mr Prew had breached this in his conduct.

The panel noted that Mr Prew's actions were relevant to teaching, working with children and working in an education setting. There was a significant power imbalance between

Mr Prew and Pupil A and he failed to act in [REDACTED] interests. It is notable that Mr Prew had engaged in sexual activity with Pupil A including during school hours and on school premises. The offending took place over a number of months with what was described by the Judge in sentencing remarks as “*very textbook grooming*” taking place beforehand.

The panel noted that the behaviour involved in committing the offence had an impact on the safety and/or security of pupils. Mr Prew’s conduct has had a long lasting impact on the victim as can be seen from [REDACTED] victim impact statement, included in the transcript of the sentencing proceedings before the panel.

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

The panel noted that Mr Prew’s behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offences committed, and which the Advice states is likely to be considered “a relevant offence”. This was a case concerning an offence involving sexual activity. The Advice indicates that a conviction for any offence that relates to or involves such an offence is likely to be considered a “relevant offence”.

The panel noted that Mr Prew pleaded guilty and that there was no suggestion that the nature of the offending had continued going forwards. The Judge referred to a large number of references having been provided and acknowledged that Mr Prew has “*been of a significant positive benefit to [his] [REDACTED] and to [his] local community over the years since this matter took place.*”

However, the panel found that the seriousness of the offending behaviour that led to the conviction outweighed the mitigation referred to above and was relevant to Mr Prew’s suitability 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 Prew and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be

punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

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

- the safeguarding and wellbeing of pupils;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious finding of an ongoing inappropriate sexual relationship with a child, who was a pupil at the school in which Mr Prew taught.

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

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

There was no evidence before the panel of Mr Prew's ability as an educator and in any event, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Prew in the profession. His behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.

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

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

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

- misconduct seriously affecting the safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though the behaviour found proven 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 Mr Prew allowed to continue to teach, the panel went on to consider any mitigation.

The panel determined that Mr Prew's actions were deliberate. There was no evidence that Mr Prew was acting under extreme duress, e.g. a physical threat or significant intimidation.

There was no evidence before the panel that Mr Prew had demonstrated exceptionally high standards in his professional conduct or of having contributed significantly to the education sector.

Mr Prew adduced no testimonial statements attesting to his character albeit the panel did acknowledge that statements of this nature are referred to in the sentencing remarks.

The panel considered that this case was at the more serious end of the possible spectrum. This was conduct that took place on multiple occasions, over a prolonged period and amounted to, as described by the Trial Judge, '*an advanced and developed sexual relationship*' and that involved, '*a significant degree of planning on [Mr Prew's] behalf.*' The Judge also stated that "*there was grooming behaviour used against this victim.*" Furthermore, the panel noted that during a police interview Mr Prew referred to an earlier relationship with a different pupil and also stated that he knew 'it was wrong to be in a relationship with a student'.

The panel did note that it had been acknowledged at the time of sentencing that Mr Prew pleaded guilty albeit there was no reference to him showing remorse for his actions in the Judge's remarks (his representative referred to Mr Prew's character references having referred to the remorse that Mr Prew had expressed to his referees). However, the panel also noted the reference by the Judge that had Mr Prew wished the matter to be dealt with years ago, the option would have been available to Mr Prew to report matters to the police in order to have it dealt with. He did not do so and went on to continue teaching.

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 Prew 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 Prew. This case involved a conviction for sexual abuse of a child which was planned and continued for a prolonged period of time. 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, particularly where the individual has used his professional position to influence or exploit a person or persons; and
- any sexual misconduct involving a child.

The panel found that Mr Prew was responsible for such conduct.

The panel was unable to independently assess Mr Prew's insight or remorse as he did not provide written representations. However, the Panel did note that there was no

reference by the Judge to remorse in the sentencing remarks. Furthermore, Mr Prew will be on the Sex Offenders' Register for approximately the next eight years.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without 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 all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Darryll Prew should be the subject of a prohibition order, with no provision for a review period.

The panel has noted that:

“The offences were committed by Mr Prew prior to the coming into force of the current Teachers Standards, therefore the panel had regard to its knowledge and experience of teaching standards at that time and considered that the teacher pupil boundary had been an important one then, and that Mr Prew had breached this in his conduct.”

The panel was satisfied that the conduct of Mr Prew 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 Prew fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a relevant conviction for abuse of a position of trust in that he had sexual intercourse with a child. Mr Prew received a prison sentence of 2 years and 4 months.

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 Prew, 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 “It is notable that Mr Prew had engaged in sexual activity with Pupil A including during school hours and on school premises. The offending took place over a number of months with what was described by the Judge in sentencing remarks as “*very textbook grooming*” taking place beforehand.” The panel has also noted that “the behaviour involved in committing the offence had an impact on the safety and/or security of pupils. Mr Prew’s conduct has had a long lasting impact on the victim as can be seen from [REDACTED] victim impact statement”. A prohibition order would therefore prevent such a risk from being present in the future.

The panel has stated that it was unable to independently assess Mr Prew’s insight or remorse as he did not provide written representations. However, the panel has made the following observation:

“The panel did note that it had been acknowledged at the time of sentencing that Mr Prew pleaded guilty albeit there was no reference to him showing remorse for his actions in the Judge’s remarks (his representative referred to Mr Prew’s character references having referred to the remorse that Mr Prew had expressed to his referees). However, the panel also noted the reference by the Judge that had Mr Prew wished the matter to be dealt with years ago, the option would have been available to Mr Prew to report matters to the police in order to have it dealt with. He did not do so and went on to continue teaching.”

In my judgement, the lack of evidence of 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 has observed that “Mr Prew’s behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Mr Prew was allowed to continue teaching.” I am particularly mindful of the finding of sexual intercourse 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 Prew himself. The panel has noted:

“There was no evidence before the panel of Mr Prew’s ability as an educator and in any event, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Prew in the profession. His behaviour fundamentally breached the standard of conduct expected of a teacher, and he exploited his position of trust.”

A prohibition order would prevent Mr Prew 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 offences committed by Mr Prew. The panel has said:

“The panel considered that this case was at the more serious end of the possible spectrum. This was conduct that took place on multiple occasions, over a prolonged period and amounted to, as described by the Trial Judge, ‘*an advanced and developed sexual relationship*’ and that involved, ‘*a significant degree of planning on [Mr Prew’s] behalf.*’ The Judge also stated that “*there was grooming behaviour used against this victim.*” Furthermore, the panel noted that during a police interview Mr Prew referred to an earlier relationship with a different pupil and also stated that he knew ‘it was wrong to be in a relationship with a student’.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Prew has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by evidence of insight and remorse, 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.

The panel has noted the Advice indicates the public interest will have greater relevance and weigh in favour of not offering a review period where cases include serious sexual misconduct and any sexual misconduct involving a child.

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the offences of which Mr Prew was convicted and the lack of evidence of insight and remorse.

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 Darryll Prew 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 Prew 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 Darryll Prew has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 7 August 2024

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