



Teaching
Regulation
Agency

Mr Paramjit Clare: Professional conduct panel meeting outcome

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

August 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	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Mr Paramjit Clare
Teacher ref number:	1771479
Teacher date of birth:	23 October 1966
TRA reference:	19183
Date of determination:	16 August 2024
Former employer:	Just Teachers Limited, Supply Agency

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 16 August 2024 by way of a virtual meeting, to consider the case of Mr Paramjit Clare.

The panel members were Mr Francis Murphy (teacher panellist – in the chair), Ms Chloe Nash (lay panellist) and Mrs Jayne Bamford (lay panellist).

The legal adviser to the panel was Ms Abigail Reynolds 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 Mr Clare that the allegations be considered without a hearing. Mr Clare provided a signed statement of agreed facts and conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Kiera Riddy of Browne Jacobson LLP, Mr Clare or any representative for Mr Clare.

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 3 June 2024.

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

1. On or around 26 July 2022 at Warwick Crown Court he was convicted of one offence of sexual assault, intentionally touching a female with no penetration on 11 February 2020 contrary to Sexual Offences Act 2003 s.3
2. On or around 26 July 2022 at Warwick Crown Court he was convicted of one offence of sexual assault of a female child under 13 on 4 February 2020 contrary to Sexual Offences Act 2003 s.7

The panel noted that Mr Clare admitted allegations 1 and 2 and that his behaviour amounted to a conviction of a relevant offence, as set out in the statement of agreed facts, signed by Mr Clare on 10 April 2024, and subsequently signed by the presenting officer on 15 April 2024. However, the panel noted that, although Mr Clare admitted the allegations, Mr Clare submitted that he did not commit the offences that he was accused of.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Notice of referral and response – pages 4 to 18
- Section 2: Statement of agreed facts and presenting officer representations – pages 19 to 23
- Section 3: TRA Documents pages 25 to 73
- Section 4: Teacher Documents– pages 75 to 76

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 Clare on 10 April 2024, and subsequently signed by the presenting officer on 15 April 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 Mr Clare for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Clare was employed as a supply teacher through Just Teachers on 25 November 2019 for one day at Arc School, and from 30 January 2020 to 5 February 2020 at St Benedict's Catholic School.

On the 5 February 2020, Mr Clare was reported to the LADO by a member of the school where he was working on a temporary assignment. The concerns related to assaults that had allegedly taken place in two different schools in early 2020.

On 27 July 2022, Mr Clare was convicted on indictment of assault of a girl under 13 by touching and sexual assault on a female. Mr Clare was sentenced on 22 August 2022 at Warwick Crown Court.

Findings of fact

The findings of fact are as follows:

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

- 1. On or around 26 July 2022 at Warwick Crown Court you were convicted of one offence of sexual assault, intentionally touching a female with no penetration on 11 February 2020 contrary to Sexual Offences Act 2003 s.3**
- 2. On or around 26 July 2022 at Warwick Crown Court you were convicted of one offence of sexual assault of a female child under 13 on 4 February 2020 contrary to Sexual Offences Act 2003 s.7**

The panel considered the statement of agreed facts, signed by Mr Clare on the 10 April 2024. In this statement of agreed facts, Mr Clare admitted allegations 1 and 2 and further admitted that the facts of the allegation amounted to a conviction of a relevant offence,

although Mr Clare denied that he committed the offences he was convicted of. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher Misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction, at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction unless exceptional circumstances apply.

The panel had been provided with a copy of the certificate of conviction from Warwick Crown Court, which detailed that Mr Clare had been convicted of assault on a girl under age 13 by touching and sexual assault on a female. Although the panel noted Mr Clare's submission that he did not commit the offences he was convicted of, the panel accepted the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction. The panel did not find any exceptional circumstances applicable in this case.

The evidence indicated that at least one of the offences related to [REDACTED] at a school where Mr Clare taught.

In respect of allegation 1, Mr Clare was sentenced to 9 months imprisonment (suspended for 12 months), 100 hours unpaid work and to sign the sex offenders register for 10 years.

In respect of allegation 2, Mr Clare was sentenced to 15 months imprisonment (suspended for 12 months), 100 hours unpaid work, to sign the sex offenders register for 10 years and to pay an £149.00 victim surcharge and costs of £150.00.

Mr Clare's total sentence was 15 months imprisonment, suspended for 12 months and 100 hours of unpaid work.

On examination of the documents before the panel and the admissions in the signed statement of facts, the panel were satisfied that the facts of allegations 1 and 2 were proven.

Findings as to conviction of a relevant offence

Having found both of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to 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 Clare in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Clare 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; and
 - 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 was satisfied that the conduct of Mr Clare, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and security of pupils and/or members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Clare's behaviour in committing these offences could 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 have been at the very core of his practice as a teacher with a duty of care towards children.

The panel noted that Mr Clare's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving an offence of sexual activity, which the Advice states is more likely to be considered a relevant offence.

The panel further noted that in the statement of agreed facts, signed by Mr Clare, he admitted the facts amounted to the conviction of a relevant offence. Notwithstanding his admission the panel, having considered all the evidence before it, was satisfied on the evidence before it that Mr Clare had been convicted of a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Clare's ongoing suitability to teach. The panel considered that a

finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order 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 the protection of other members of the public, 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 light of the nature of the offences for which Mr Clare was convicted, which involved sexual assault and assault of a child under the age of 13, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised significant public and child protection concerns.

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

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 Mr Clare. 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 Mr Clare. 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- 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); and
- violating of the rights of pupils.

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 the written submissions of Mr Clare in which Mr Clare stated that he strenuously denied the charges and did not commit the offences he was accused of. Mr Clare submitted that, as a result of the allegations, [REDACTED], a teaching career [REDACTED].

Mr Clare stated that he completed his unpaid work, attended all probation meetings and completed his sentence on 22 August 2023 without further issue. Mr Clare further stated "[REDACTED] ..."

Mr Clare submitted that he has "*never been a risk to anyone*". Mr Clare detailed the ways in which the public are already protected, including that he has no intention to work with children again and that he has been placed on the Sex Offenders register. Mr Clare stated that he also continues to work with the police to comply with his reporting requirements.

Mr Clare detailed the effect of the conviction on his life, including the loss of his career, and that he “[REDACTED]”.

However, there was no evidence that Mr Clare’s actions were not deliberate.

There was no evidence that Mr Clare was acting under extreme duress.

The panel considered that Mr Clare did not appear to demonstrate any material insight or remorse into his actions. In particular, the panel noted that Mr Clare’s submissions failed to account for the impact on his victims even though the damage that he inflicted on others following the crimes for which he was convicted should have been plain to him.

There was no evidence to suggest that Mr Clare demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

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 Clare 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 Clare. The seriousness of the offences committed by Mr Clare 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. These behaviours include serious sexual misconduct and any sexual misconduct involving a child. It was accepted that Mr Clare was convicted of assault on a female child under age 13 contrary to the Sexual Offences Act 2003.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found none of these behaviours to be relevant.

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

In particular, the panel has found that Mr Clare 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; and
 - 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 was satisfied that the conduct of Mr Clare 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 Clare 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 the relevant offences of sexual assault on a female and a female child aged under 19.

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 Clare, 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:

“In light of the nature of the offences for which Mr Clare was convicted, which involved sexual assault and assault of a child under the age of 13, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised significant public and child protection concerns.”

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. The panel has noted that, although Mr Clare admitted the allegations, he denied that he had committed the offences of which he was accused. The panel has commented:

“The panel considered that Mr Clare did not appear to demonstrate any material insight or remorse into his actions. In particular, the panel noted that Mr Clare’s submissions failed to account for the impact on his victims even though the damage that he inflicted on others following the crimes for which he was convicted should have been plain to him.”

In my judgement, the lack 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 “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Clare were not treated with the utmost seriousness when regulating the conduct of the

profession.” I am particularly mindful of the finding of a conviction for sexual assault 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 Clare himself. The panel has commented:

“There was no evidence to suggest that Mr Clare demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”

A prohibition order would prevent Mr Clare 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 about the seriousness of the criminal offences of sexual assault for which Mr Clare was convicted and received a suspended prison sentence, including one offence that involved a child. I have also placed considerable weight on the panel’s comments concerning Mr Clare’s lack of insight and remorse.

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

I have considered the panel’s comments:

“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 and any sexual misconduct involving a child. It was accepted that Mr Clare was convicted of assault on a female child under age 13 contrary to the Sexual Offences Act 2003.”

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 Clare was convicted and the lack of either insight or 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 Paramjit Clare 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 Clare 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 Paramjit Clare 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: 16 August 2024

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