



Teaching  
Regulation  
Agency

# **Mr Toby Baker: Professional conduct panel meeting outcome**

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

**November 2024**

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

**Teacher:** Mr Toby Baker

**TRA reference:** 0017494

**Date of determination:** 8 November 2024

**Former employer:** Newham Music Trust, London

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 8 November 2024 to consider the case of Mr Toby Baker.

The panel members were Mr Neil Hillman (teacher panellist – in the chair), Ms Janette McCormick (lay panellist) and Ms Aruna Sharma (teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan 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 Baker that the allegations be considered without a hearing. Mr Baker provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of a presenting officer, Mr Baker or any representative.

The meeting took place in private.

## Allegations

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

It was alleged that Mr Baker was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher engaged by Newham Music Trust:

- 1. On or about 19 June 2018 he attended East London Science School (“the School”) for the purpose of conducting lesson/s whilst under the influence of alcohol*
- 2. On or about 19 June 2018 he attempted to kiss the hand of Person A, a teacher at the School, without her consent.*

Mr Baker admitted the facts of the allegations and that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## 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, anonymised pupil list and list of key people – pages 5 to 8

Section 2: Notice of referral, response and notice of meeting – pages 9 to 28

Section 3: Statement of agreed facts and presenting officer representations – pages 29 to 32

Section 4: Teaching Regulation Agency witness statements – pages 33 to 47

Section 4: Teaching Regulation Agency documents – pages 48 to 155

Section 5: Teacher documents – pages 156 to 158

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 Baker on 11 July 2024.

## Decision and reasons

The panel carefully considered the case and reached a decision. It accepted the legal advice provided.

In advance of the meeting, the TRA agreed to a request from Mr Baker 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 Baker was previously engaged by Newham Music Trust ("the Trust") as a self-employed peripatetic music teacher. He commenced that role in January 2013. In that role, he provided weekly music lessons at East London Science School ("the School").

On 19 June 2018, it was alleged that Mr Baker had attended the School under the influence of alcohol.

As a result, Mr Baker was suspended by the Trust.

On 20 June 2018, a LADO referral was made and an initial investigatory meeting took place.

On 27 June 2018, a DBS referral was made and the Trust terminated its relationship with Mr Baker.

On 28 June 2018, Mr Baker was referred to the TRA.

## 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 about 19 June 2018 you attended East London Science School for the purpose of conducting lesson/s whilst under the influence of alcohol**

Mr Baker admitted the facts of allegation 1.

Mr Baker accepts that, on the afternoon of 19 June 2018:

- He attended the School under the influence of alcohol.
- Whilst on the School's premises he:
  - was slurring his words;
  - was unsteady on his feet; and
  - smelled of alcohol.
- He had attended the School for the purpose of teaching lessons and was seen by a number of staff and pupils in the manner described above.
- In particular, he had
  - entered a classroom for the purpose of teaching a lesson; and
  - begun to set up a piano lesson for the purpose of lessons with pupils present.
- His decision-making and teaching ability was impaired due to intoxication.
- He was removed from a classroom by being led to the door by a teacher, [REDACTED].
- He was ultimately asked to leave the School site by [REDACTED].

The panel accepted Mr Baker's admissions, which were consistent with the other evidence before it, and therefore found the facts of allegation 1 proved.

**2. On or about 19 June 2018 you attempted to kiss the hand of Person A, a teacher at the School, without her consent.**

Mr Baker admitted the facts of allegation 2.

He accepts that, on 19 June 2018:

- During the lunch break whilst at the School he approached Person A on a canal walkway, which is open to the public and used by pupils of the School.
- He spoke with Person A for a few minutes.
- As the conversation ended, he extended his hand as if to shake hands and then, when Person A extended theirs in response, he grabbed her hand and moved his mouth towards it, attempting to kiss her hand.

- Person A pulled her hand away before he kissed her hand.
- His conduct was witnessed by at least one pupil from the School.

The panel accepted Mr Baker's admissions, which were consistent with the other evidence before it, and therefore found the facts of allegation 2 proved.

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

Having found the allegations proved, the panel went on to consider whether the facts of those 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 Mr Baker in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Baker was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others.
- Teachers must have 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 also considered whether Mr Baker's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that none of these offences was relevant.

Over and above these matters, the panel took into account that Mr Baker was in a position of trust and responsibility in the role he was undertaking at the School. He was also a role model.

It was clearly unacceptable to attend the School whilst presenting as he did, which raised safeguarding and health and safety concerns given that Mr Baker was scheduled to teach and be responsible for pupils, including on a one-to-one basis. He was, based on his admissions and the evidence before the panel, unfit to do so.

Mr Baker was also visible to staff and pupils when he was within other parts of the School.

As well as the potential impact on pupils, some of whom witnessed Mr Baker and were described as being upset by his behaviour, there was an impact on colleagues who were taken away from their duties, required to react to Mr Baker's conduct and were described as being affected by it.

Whilst under the influence of alcohol, he also behaved in an unwanted and inappropriate manner to a professional colleague, making physical contact with her, once again in the vicinity of one or more pupils.

Accordingly, for all these reasons, the panel was satisfied that Mr Baker was guilty of unacceptable professional conduct.

In relation to whether Mr Baker's conduct may bring the profession into disrepute, 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, attending for work under the influence of alcohol, would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore also found that Mr Baker's actions constituted 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 and 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 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.

In the light of the panel's findings against Mr Baker, which involved him being under the influence of alcohol whilst attending for work and in the presence of pupils, together with inappropriate and unwanted behaviour towards a female colleague, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public.

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

The panel also 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 Baker was outside that which could reasonably be tolerated.

In addition to these public interest considerations, the panel considered whether there was a public interest in retaining Mr Baker in the profession.

So far as the panel was aware, Mr Baker had an otherwise good record. His competence had not been called into question. However, there was no evidence before the panel about his practice, beyond his assertions, or whether he had demonstrated exceptionally high standards in his professional conduct. In light of this and having regard to the nature of the allegations found proved in this case, the panel concluded there was not a strong public interest in retaining him in 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 Mr Baker.

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 Baker.

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;

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 Baker appeared to have had an otherwise good record. There was no evidence of any prior disciplinary or regulatory proceedings.
- Mr Baker had engaged with the TRA and made full admissions.
- The panel's findings were limited to a single incident. There was no evidence of a pattern of inappropriate behaviour.
- There was no evidence that Mr Baker had consumed alcohol whilst at the School.
- These events occurred some time ago and these proceedings had taken a long time to reach a conclusion. There was no evidence of repetition in the period since.

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

- Mr Baker's behaviour was deliberate and he was not acting under duress. It should have been obvious to Mr Baker that he was in no fit state to teach, yet intended to do so.
- Mr Baker's actions amounted to a clear breach of the Teachers' Standards and raised safeguarding concerns.

- Mr Baker's actions occurred in the presence pupils and there was some evidence of it impacting on them and staff.
- His actions also extended to behaving inappropriately in relation to a professional colleague.
- There was no evidence of insight, regret or remorse. There was also no evidence that Mr Baker took full responsibility for and understood the implications of his actions.
- There was no character references or testimonials presented.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The nature of the proven conduct in this case was serious for the reasons outlined.

This was an instance of a professional attending for work when under the influence of alcohol and unfit for duty and he engaged in unwanted behaviour towards a colleague. This meant there was a strong public interest in terms of the safeguarding and wellbeing of pupils, maintaining public confidence in the profession and declaring and upholding proper standards of conduct.

In addition, Mr Baker's responses to the allegations and his communications to the TRA did not demonstrate that he had taken full responsibility for his actions. Rather than being regretful and show he had gained insight, Mr Baker had expressed anger and frustration.

However, the panel was constrained by its findings and the evidence presented. This was, ultimately, a one-off incident. Whilst Mr Baker was under the influence of alcohol, there was no evidence that he had consumed alcohol on the School site.

Whilst the panel was concerned by the absence of insight, it nonetheless considered it was unlikely that Mr Baker would put himself in the same situation again. He had left his position at the Trust and these proceedings had been ongoing for several years. There was no evidence of repetition in the period since. The panel was satisfied, on balance, it was more likely than not that Mr Baker will have learnt important lessons and his mistakes were unlikely to be repeated, even if he had failed to avail himself of the opportunity to present evidence to that effect.

In light of all these matters and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate or proportionate in this case.

Having very carefully taken account of the public interest considerations Mr Baker's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were acceptable. In context and whilst serious, the panel did not think that Mr Baker's proven actions were fundamentally incompatible with his being a teacher.

The panel considered this was a proportionate outcome, which struck a fair balance between the public interest and Mr Baker's interests, particularly in circumstances where the panel's published findings will likely have a residual impact in terms of his professional reputation and future employment prospects.

Further, the panel considered that the passage of time, since these concerns first came to light, and the repercussions there had been for Mr Baker, a prohibition order would be punitive and disproportionate.

In the panel's judgement, this recommendation protects pupils, maintains public confidence and upholds professional standards.

## **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 sanction.

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 conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Toby Baker should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Baker is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others.
- Teachers must have 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 finds that the conduct of Mr Baker fell significantly short of the standards expected of the profession.

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 unacceptable professional conduct or conduct likely to 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 Mr Baker, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Baker, which involved him being under the influence of alcohol whilst attending for work and in the presence of pupils, together with inappropriate and unwanted behaviour towards a female colleague, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and protection of other members of the public." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "There was no evidence of insight, regret or remorse. There was also no evidence that Mr Baker took full responsibility for and understood the implications of his actions." In my judgement, the lack of evidence of insight or 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 some weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Baker were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of being under the influence of alcohol in the presence of pupils 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 unacceptable professional conduct or conduct likely to 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 Mr Baker himself and the panel comment “So far as the panel was aware, Mr Baker had an otherwise good record. His competence had not been called into question. However, there was no evidence before the panel about his practice, beyond his assertions, or whether he had demonstrated exceptionally high standards in his professional conduct. In light of this and having regard to the nature of the allegations found proved in this case, the panel concluded there was not a strong public interest in retaining him in the profession.”

A prohibition order would prevent Mr Baker 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, “This was an instance of a professional attending for work when under the influence of alcohol and unfit for duty and he engaged in unwanted behaviour towards a colleague. This meant there was a strong public interest in terms of the safeguarding and wellbeing of pupils, maintaining public confidence in the profession and declaring and upholding proper standards of conduct.”

I have also placed considerable weight on the finding of the panel that “This was, ultimately, a one-off incident. Whilst Mr Baker was under the influence of alcohol, there was no evidence that he had consumed alcohol on the School site.” And the panel went on to say “Whilst the panel was concerned by the absence of insight, it nonetheless considered it was unlikely that Mr Baker would put himself in the same situation again. He had left his position at the Trust and these proceedings had been ongoing for several

years. There was no evidence of repetition in the period since. The panel was satisfied, on balance, it was more likely than not that Mr Baker will have learnt important lessons and his mistakes were unlikely to be repeated, even if he had failed to avail himself of the opportunity to present evidence to that effect.”

I have given weight in my consideration of sanction to the panel’s comment on proportionality “a prohibition order would be punitive and disproportionate.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized, cursive script.

**Decision maker: Sarah Buxcey**

**Date: 12 November 2024**

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