



Teaching
Regulation
Agency

Mr Robert Sutcliffe: Professional conduct panel meeting outcome

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

April 2025

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

Teacher:	Mr Robert Sutcliffe
Teacher ref number:	1064831
Teacher date of birth:	26 December 1986
TRA reference:	19972
Date of determination:	3 April 2025
Former employer:	Knowleswood Primary School, Bradford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 3 April 2025 by way of a virtual meeting, to consider the case of Mr Robert Sutcliffe.

The panel members were Mr Alan Wells (teacher panellist – in the chair), Mrs Georgina Bean (teacher panellist) and Mrs Jayne Bamford (lay 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 Mr Sutcliffe that the allegations be considered without a hearing. Mr Sutcliffe 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 Ms Carolyn Thackstone of Browne Jacobson LLP, Mr Sutcliffe or any representative for Mr Sutcliffe.

The meeting took place in private.

Allegations

The panel considered the allegation set out in the notice of meeting dated 13 January 2025.

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

1. On 14 July 2022 he was convicted of one offence of distributing indecent photographs or pseudo-photographs of children on 30/03/2021, contrary to the protection of children act 1978 s.1

The panel noted that Mr Sutcliffe admitted the allegation in the statement of agreed facts, signed by Mr Sutcliffe on 18 December 2024.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology – page 4

Section 2: Notice of proceedings and response – pages 6 to 21a

Section 3: Statement of agreed facts and presenting officer representations – pages 22 to 27

Section 4: TRA documents – pages 29 to 68

Section 5: Teacher documents – pages 70 to 71

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession 2020, (the “Procedures”).

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Sutcliffe on 18 December 2024.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

In advance of the meeting the TRA agreed to a request from Mr Sutcliffe 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 Sutcliffe commenced employment at Knowleswood Primary School ('the School') on 1 September 2011.

On 30 March 2021, Mr Sutcliffe was arrested by Kirklees Police on suspicion of distributing indecent photographs or pseudo photographs of children contrary to section 1 of the Protection of Children Act 1978.

On 27 April 2021, the matter was referred to the TRA.

On 4 August 2022, Mr Sutcliffe was sentenced at Leeds 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 14 July 2022 you were convicted of one offence of distributing indecent photographs or pseudo-photographs of children on 30/03/2021, contrary to the protection of children act 1978 s.1**

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 did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Leeds Crown Court, dated 8 November 2024, which detailed that Mr Sutcliffe had been convicted of distributing an indecent photograph/pseudo-photograph of a child. The panel noted that Mr Sutcliffe pleaded guilty to the conviction.

In respect of the convictions, Mr Sutcliffe was sentenced to 20 months imprisonment suspended for 24 months, rehabilitation activity for a maximum of 35 days, to pay a victim surcharge of £156, a sexual harm prevention order for 10 years and was prohibited from:

1. Using any device capable of browsing the internet unless: (a) it has the capacity to retain and display the history of internet use enabled for not less than 30 days and (b) he makes the device available on reasonable request for inspection by a police officer or designated employee in the public protection unit (or equivalent) in the area where he resides
2. Deleting or making any attempt to delete such internet history
3. Using any social media site or messaging platform, save with the express permission of a police officer or designated employee in the public protection unit (or equivalent) in the area where he resides
4. Failing to provide the valid log in details to any social media site or messaging platform to a police officer or designated employee in the public protection unit (or equivalent) in the area where he resides where express permission has been provided to him to use that social media site
5. Using the internet to knowingly contact or attempt to contact any child under age of 16 other than a family member.

In light of the above, the panel found the allegation proven.

Findings as to conviction of a relevant offence

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

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as “the Advice”.

The panel first considered whether the conduct of Mr Sutcliffe, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Sutcliffe 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, 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 noted that Mr Sutcliffe's actions were relevant to teaching, working with children and working in an education setting, particularly as Mr Sutcliffe had been convicted of distributing indecent images of children.

The panel noted that the behaviour involved in committing the offence would have undoubtedly had an impact on the safety and/or security of pupils and/or members of the public. This was noted within the Judge's sentencing remarks where it was noted that, *"Each time somebody, such as you, is willing to look at those images, the more children are abused precisely because people want these images, that these children are abused in the most appalling way and the impact on their lives is immeasurable"*.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Sutcliffe's behaviour in committing the offence would undoubtedly affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

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

The panel also considered the offences listed on pages 12 and 13 of the Advice.

This was a case concerning an offence involving any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, which the Advice states is likely to be considered a relevant offence.

The panel considered that this offence fell at the more serious end of the possible spectrum, particularly in circumstances where Mr Sutcliffe was an assistant headteacher in a primary school. The panel did not consider there was any doubt that this offence amounted to a relevant offence.

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

The panel therefore found that the conviction amounted to a conviction of a relevant offence.

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;
- the 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 Sutcliffe, which involved conviction of a relevant offence involving the distribution of indecent images of children, there was a very strong public interest consideration in the safeguarding and wellbeing of pupils and the 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 Sutcliffe were 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 Sutcliffe was outside that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Sutcliffe in the profession. There was no evidence that Mr Sutcliffe had any heightened ability as an educator. The panel considered that the adverse public interest considerations above far outweighed any interest in retaining Mr Sutcliffe in the profession, since his behaviour fundamentally ran contrary to the standard of conduct expected of a teacher.

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.

In view of 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 Sutcliffe.

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 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 disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing, or publishing any indecent photograph or image, or indecent pseudo photograph or image, of a child, or permitting such activity, including one-off incidents;

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 Mr Sutcliffe's actions were not deliberate.

There was no evidence that Mr Sutcliffe had demonstrated exceptionally high standards in his personal and professional conduct or had contributed significantly to the education sector.

The panel noted that there was no evidence before it relating to insight and remorse on the part of Mr Sutcliffe. However, the panel noted that the sentencing remarks stated that Mr Sutcliffe expressed "*substantial remorse*" and had "*gone voluntarily to try and deal with some of the issues that are underlying this behaviour*".

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 Sutcliffe 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 Sutcliffe. The conviction of the offence of distributing indecent images of children, which had led to a suspended sentence and a Sexual Harm Prevention Order 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 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents;

The panel found that the offence of which Mr Sutcliffe had been convicted clearly engaged these factors.

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 provisions 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 Robert Sutcliffe should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Sutcliffe 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, 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 finds that the conduct of Mr Sutcliffe fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of a relevant offence involving the distribution of indecent images of children.

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 Sutcliffe, 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 Sutcliffe, which involved conviction of a relevant offence involving the distribution of indecent images of children, there was a very strong public interest consideration in the safeguarding and wellbeing of pupils and the 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, “The panel noted that there was no evidence before it relating to insight and remorse on the part of Mr Sutcliffe. However, the panel noted that the sentencing remarks stated that Mr Sutcliffe expressed “*substantial remorse*” and had “*gone voluntarily to try and deal with some of the issues that are underlying this behaviour*”.” In my judgement, the lack of full 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 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 observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found

against Mr Sutcliffe were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding involving a conviction for distributing indecent images of children 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 Sutcliffe himself and the panel comment “There was no evidence that Mr Sutcliffe had demonstrated exceptionally high standards in his personal and professional conduct or had contributed significantly to the education sector.”

A prohibition order would prevent Mr Sutcliffe 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 “The panel considered that this offence fell at the more serious end of the possible spectrum, particularly in circumstances where Mr Sutcliffe was an assistant headteacher in a primary school. The panel did not consider there was any doubt that this offence amounted to a relevant offence.”

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Mr Sutcliffe. The conviction of the offence of distributing indecent images of children, which had led to a suspended sentence and a Sexual Harm Prevention Order was a significant factor in forming that opinion.”

I have placed considerable weight on the following “The panel noted that the behaviour involved in committing the offence would have undoubtedly had an impact on the safety and/or security of pupils and/or members of the public. This was noted within the Judge’s sentencing remarks where it was noted that, *“Each time somebody, such as you, is willing to look at those images, the more children are abused precisely because people want these images, that these children are abused in the most appalling way and the impact on their lives is immeasurable”.*”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Sutcliffe 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 insight or 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 certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

These include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, including one off incidents;

The panel found that the offence of which Mr Sutcliffe had been convicted clearly engaged these factors."

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 seriousness of the findings and the lack of full 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 Mr Robert Sutcliffe 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 Sutcliffe 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 Sutcliffe has a right of appeal to 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 'SABuxcey', with a horizontal line extending from the start of the signature.

Decision maker: Sarah Buxcey

Date: 7 April 2025

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