



Teaching
Regulation
Agency

Mr Ho (Shing Calvin) Cheng: 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 Ho Cheng

Teacher ref number: 2084042

Teacher date of birth: 11 July 1998

TRA reference: 23431

Date of determination: 11 April 2025

Former employer: Dilkes Academy, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 11 April 2025 by way of a virtual meeting, to consider the case of Mr Ho Cheng (“Mr Cheng”).

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

The legal adviser to the panel was Mrs Carly Hagedorn 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 Cheng that the allegations be considered without a hearing. Mr Cheng 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 the presenting officer Mr Adam Ridley of Capsticks LLP solicitors, Mr Cheng or his representative Mr Steve Taylor from the National Education Union.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 15 January 2025.

It was alleged that Mr Cheng was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, while employed as a teacher at Dilkes Academy, Garron Lane, South Ockendon, RM15 ("the School"):

1. On the 19 December 2023 he:
 - a. Placed his arms behind Pupil A's on to the back of their neck;
 - b. Lifted Pupil A off the ground;
2. On 19 December 2023 he did not promptly, or at all, report the conduct as set out in Allegation 1.

Mr Cheng 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 hearing, the panel received a bundle of documents which included:

Section 1: Chronology, anonymised pupil list and list of key people – pages 4 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 27

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 28 to 36

Section 4: Teaching Regulation Agency documents – pages 37 to 476

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 Cheng on 18 November 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 Cheng 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 Cheng was employed as a class teacher at Dilkes Academy (“the School”) from 1 September 2023.

On 19 December 2023, Mr Cheng used a physical intervention against Pupil A who was not following his verbal instructions, in order to move the pupil.

Pupil A reported the incident to his parent who in turn spoke to Mr Cheng on the morning of 20 December 2023. Mr Cheng apologised but did not report the incident to the School at this stage.

Later on 20 December 2023, Mr Cheng performed a physical assisted move on Pupil A during which Pupil A hit Mr Cheng. A staff member reported the incident to the Designated Safeguarding Lead (“DSL”). In the afternoon, Mr Cheng reported that he had received a complaint from Pupil A’s parent about the physical handling incident on 19 December 2023.

The Deputy DSL contacted the Local Authority Designated Officer (“LADO”) about the incident who advised that the School should investigate. Mr Cheng was suspended on 20 December 2023 pending investigation.

During the School’s investigation, Mr Cheng admitted that on 19 December 2023 he “grabbed” Pupil A by his shoulders and arms and lifted Pupil A so that his feet were off the floor.

Mr Cheng ceased employment at the School on 11 March 2024.

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 the 19 December 2023 you:

a. Placed your arms behind Pupil A's on to the back of their neck;

Mr Cheng admitted this allegation.

The panel had sight of the notice of referral response form signed by Mr Cheng on 11 September 2024. One of the questions in the form was “*do you admit the allegations set out in the enclosed letter?*” Mr Cheng circled “yes” in response to this question. For the avoidance of doubt, the allegations as set out in the notice of referral letter dated 2 September 2024 were the same as those set out in the notice of meeting dated 15 January 2025.

The panel had sight of the statement of agreed facts signed by Mr Cheng on 18 November 2024 where Mr Cheng admitted the facts of this allegation.

The statement of agreed facts stated “*the Teacher admits that during the afternoon of 19 December 2023, whilst the class of Year 1 pupils was getting ready to go home, he lifted Pupil A off the ground and carried him using a hold which involved putting Pupil A's hands behind his head.*”

The Teacher admits that the physical intervention was not reasonable or proportionate in the circumstances. The Teacher also admits that the physical intervention was inappropriate and caused harm to Pupil A in that Pupil A immediately cried and that he suffered pain and discomfort in his shoulders.”

The panel was provided with notes dated 20 and 21 December 2023 from the School's investigation meetings with the pupils in the classroom who were present on the day of the alleged incident and notes from a telephone conversation between the School and Pupil A's parent. The panel was also provided with the School's meeting notes from the interview with Mr Cheng on 20 December 2023 and the notes from the disciplinary investigation meeting dated 17 January 2024 and disciplinary hearing dated 5 March 2024. The panel considered that the notes from the interviews with the pupils, Pupil A's parent and Mr Cheng were relevant to the allegations. The panel further noted that the notes from the interviews with the pupils, Pupil A's parent and Mr Cheng were drafted in close proximity to the alleged incident. The panel considered that these documents should be admitted as they were not the sole and decisive evidence in support of the allegations. There was no suggestion that the pupils, Pupil A's parent or Mr Cheng had

reasons to fabricate what they said in their interviews and no objection had been made by Mr Cheng to the contents of the School's notes from the pupils' interviews or the notes from the telephone conversation with Pupil A's parent. The panel also noted the seriousness of the allegations and decided that the notes were fair to admit in the circumstances.

In Pupil A's investigation interview with the School dated 20 December 2023, the following conversation was recorded:

"Can you tell me what happened yesterday to upset you?"

"I wouldn't sit on the carpet."

[REDACTED]: Then what happened?

"He did this to me (Lifted hands behind head, like arrest) he carried me."

Who is he?

"Mr Cheng!"

So your feet were not on the floor?

"No!"

The panel also had sight of the School's interviews with other pupils in the classroom at the time of the incident who corroborated Pupil A's account.

In the School's meeting with Mr Cheng dated 20 December 2023, it was recorded that Mr Cheng said *"I grabbed a pupil to guide them to their seat. I grabbed him way to [sic] hard and he cried."* When asked to clarify what he meant by "grabbed him too hard", Mr Cheng said *"I grabbed him by his shoulders and arms."*

In the School's disciplinary meeting with Mr Cheng dated 17 January 2024, Mr Cheng acknowledged that he *"made an error of judgment in terms of handling him."*

The panel noted that there were some discrepancies in respect of how Mr Cheng placed his arms on Pupil A when considering the accounts from Mr Cheng and the pupils who were present at the time of the alleged incident. On balance, the panel considered that there was sufficient evidence to find that Mr Cheng did place his arms behind Pupil A's on to the back of his neck. It was recorded in the notes of the School's separate interviews with Pupil C and Pupil D that they were each asked to demonstrate how Pupil A was being carried by Mr Cheng. The panel noted that both pupils separately demonstrated that Pupil A's arms were behind his back.

The panel found allegation 1(a) proved, on the balance of probabilities.

b. Lifted Pupil A off the ground;

Mr Cheng admitted this allegation.

The panel had sight of the notice of referral response form signed by Mr Cheng on 11 September 2024. One of the questions in the form was *“do you admit the allegations set out in the enclosed letter?”* Mr Cheng circled “yes” in response to this question. For the avoidance of doubt, the allegations as set out in the notice of referral letter dated 2 September 2024 were the same as those set out in the notice of meeting dated 15 January 2025.

The panel had sight of the statement of agreed facts signed by Mr Cheng on 18 November 2024 which stated *“the teacher admits that during the afternoon of 19 December 2023, whilst the class of Year 1 pupils was getting ready to go home, he lifted Pupil A off the ground and carried him using a hold which involved putting Pupil A’s hands behind his head.”*

The panel had sight of the School’s interview investigation notes with Pupil A as referred to in the above allegation. The panel also had sight of the School’s interviews with other pupils in the classroom at the time of the incident who corroborated Pupil A’s account.

In the School’s meeting with Mr Cheng dated 20 December 2023, it was recorded that Mr Cheng said *“I grabbed a pupil to guide them to their seat. I grabbed him way to [sic] hard and he cried.”*

Mr Cheng was asked *“were the child’s feet on floor or was he lifted off the floor”*. He responded with *“no comment.”*

In Mr Cheng’s disciplinary investigation meeting dated 17 January 2024, Mr Cheng was asked whether he remembered whether Pupil A’s feet were off the floor. Mr Cheng said *“yes his feet were off the floor.”*

The panel found allegation 1(b) proved on the balance of probabilities.

2. On 19 December 2023 you did not promptly, or at all, report the conduct as set out in Allegation 1.

Mr Cheng admitted this allegation.

The panel had sight of the notice of referral response form signed by Mr Cheng on 11 September 2024. One of the questions in the form was *“do you admit the allegations set out in the enclosed letter?”* Mr Cheng circled “yes” in response to this question. For the avoidance of doubt, the allegations as set out in the notice of referral letter dated 2 September 2024 were the same as those set out in the notice of meeting dated 15 January 2025.

The panel had sight of the statement of agreed facts signed by Mr Cheng on 18 November 2024 which stated *“the Teacher admits that, following the incident of physical intervention on 19 December 2023, he did not make any record or report of what occurred in any form until the afternoon of 20 December 2023, when he reported to the School's Deputy DSL that he had received a complaint earlier that morning from Pupil A's parent. That report was made following another incident of physical intervention on 20 December 2023.*

The Teacher admits that he should have immediately reported the incident of physical intervention which occurred on 19 December 2023, but did not do so.

The Teacher admits that he was aware of the method of reporting safeguarding concerns through the School's "My Concern" system and that he was aware of who the DSLs at the School were, who could be approached to report any safeguarding issues. The Teacher also admits that he was aware that there was a separate log in the form of a "bound book" in which to record an incident of physical intervention.”

In the School's meeting with Mr Cheng dated 20 December 2023, it was recorded that Mr Cheng said *“I grabbed a pupil to guide them to their seat. I grabbed him way to [sic] hard and he cried.”* Mr Cheng was then asked *“did you report this?”*, to which he responded *“No sir. I reported it first thing this morning to [REDACTED].”*

The panel recognised that it was important for a teacher to report this type of safeguarding incident immediately, on the same day. The panel noted that Mr Cheng had signed to confirm that he had read a copy of the Staff Handbook. Under the heading “Significant Accidents / Incidents”, the Staff Handbook clearly sets out that *“It is your legal responsibility to report these immediately as they are discovered - do not leave it to someone else.”*

Mr Cheng admitted in the statement of agreed facts that Pupil A immediately cried after the incident and that he suffered pain and discomfort in his shoulders. The panel considered that any teacher in this situation should have promptly reported this incident to the relevant member of staff within the School. The panel considered that reporting the incident after another staff member reported a separate incident on 20 December (where Mr Cheng performed a physical assisted move on Pupil A), was a failure to report the incident promptly.

The panel therefore found allegation 2 proved.

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

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

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

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

The panel considered that, by reference to Part 2, Mr Cheng 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
- 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 was satisfied that the conduct of Mr Cheng, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”).

The panel considered that Mr Cheng was in breach of the following provisions:

- Safeguarding and promoting the welfare of children is everyone’s responsibility. Everyone who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make sure their approach is child centred. This means that they should consider, at all times, what is in the best interests of the child.
- All staff have responsibility to provide a safe environment in which children can learn.
- There are circumstances when it is appropriate for staff in schools and colleges to use ‘reasonable force’ to safeguard children. The term ‘reasonable force’

covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a child needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

The panel was satisfied that the conduct of Mr Cheng, in relation to the facts found proved, involved breaches of Working Together to Safeguard Children.

The panel considered that Mr Cheng was in breach of the following provision:

- This child centred approach is fundamental to safeguarding and promoting the welfare of every child. A child centred approach means keeping the child in focus when making decisions ...
- Everyone who works with children has a responsibility for keeping them safe.

The panel also considered whether Mr Cheng'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 were relevant.

The panel considered that the context of the incident was relevant. In the notes from the disciplinary hearing dated 5 March 2024, Mr Cheng described the day of 19 December 2023 as "*stressful*" and that the pupils were "*extremely lively and excited due to the Christmas activities that had happened that day*". Mr Cheng stated that Pupil A had not listened to my instruction's multiple times by the time the class were getting ready to be dismissed. [Pupil] A had also misbehaved in terms of his actions towards other pupils. For instance, he unfolded a paper clip and began chasing another pupil around the classroom with it.

At this point, after [Pupil] A continued to not listen to further repeated instructions, I made an error in my decision making and actions and handled him by his shoulders and lifted him off the ground."

The panel noted that there was no evidence to suggest that there was any reason for Mr Cheng to make any physical intervention with Pupil A. The panel recognised that any teacher in this situation should have been able to manage the behaviour of Pupil A and the other pupils in the class and that there was no justification for such physical

intervention. The panel noted that Pupil A immediately cried after the incident and that he suffered pain and discomfort in his shoulders.

For these reasons, the panel was satisfied that the conduct of Mr Cheng amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Cheng was guilty of unacceptable professional conduct.

Disrepute

In relation to whether Mr Cheng's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 that they behave.

In considering the issue of disrepute, the panel also considered whether Mr Cheng's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Cheng was guilty of unacceptable professional conduct, the panel found that none of these offences were relevant.

The panel considered that Mr Cheng's conduct could potentially damage the public's perception of a teacher.

Again, the panel considered that the context of the incident was relevant as noted above. The panel considered that any teacher in this situation should have been able to manage the behaviour of Pupil A and the other pupils in the class and that there was no justification for such physical intervention.

The panel considered that Mr Cheng modelled poor behaviour of a teacher to the pupils in the class by using an unjustified intervention.

The panel noted that Pupil A immediately cried after the incident and that he suffered pain and discomfort in his shoulders. The panel considered that any teacher in this situation should have promptly reported this incident to the relevant member of staff within the School.

The panel noted that Pupil A's parent also spoke to Mr Cheng on the morning of 20 December 2023 and asked him not to handle her child like that again as Pupil A was hurt.

For these reasons, the panel found that Mr Cheng'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, 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.

In the light of the panel's findings against Mr Cheng, which involved a finding of an unjustified and illegitimate physical contact with a pupil and a failure to report the incident promptly, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Cheng 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 Cheng 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 Cheng in the profession. The panel was not provided with evidence which attested to Mr Cheng's ability as a teacher. The panel considered that the adverse public interest considerations above outweigh any interest in retaining Mr Cheng in the profession, since his behaviour fundamentally breached 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 Cheng.

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;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).

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 evidence that Mr Cheng's actions were deliberate.

There was no evidence to suggest that Mr Cheng was acting under extreme duress, e.g. a physical threat or significant intimidation.

Mr Cheng did not demonstrate exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector.

The panel saw evidence that Mr Cheng was previously issued with two letters of expectation prior to the incident with Pupil A on 19 December 2023, which set out previous concerns in respect of Mr Cheng's conduct towards pupils and the School's expectations in respect of Mr Cheng's future conduct going forward. Whilst the panel noted that Mr Cheng's conduct on 19 December 2023 was at the lower spectrum of harm, the evidence, looked at in its entirety, gave the panel cause for concern.

The panel was not provided with any statements of good character and/or references in the hearing bundle. The panel noted that in the TRA's legal representatives' correspondence dated 4 December 2024 to Mr Cheng and his representative, he was asked whether he would like to submit any additional representations or documents to be

considered by the panel. In response, Mr Cheng stated on 13 December 2024 that *“having discussed this issue with my NEU representative, we concluded that we have nothing to add to the proceedings.”*

The panel considered that Mr Cheng did not show significant insight into his conduct and the impact on those affected, in particular, Pupil A. The panel was of the view that Mr Cheng showed some remorse and that no malice or harm was intended by his conduct.

The panel considered the statements made in his earlier interviews with the School in respect of this incident. Mr Cheng stated that his *“[REDACTED]. The stress as a result of my actions which I have deeply regretted and reflected upon. Stress also as a result of my suspension. More stress brought on by regretting my actions and reflecting on what I could have done differently.”*

Mr Cheng also stated that *“I would like to make it perfectly clear I had no intent or malus [sic] or ill will or active thought to cause distress to the child. It was again to use the answer I gave, a poor error of judgement. And what I should have done was sought another adult to help.”*

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 Cheng 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 Cheng. The unjustified and illegitimate physical contact with Pupil A, causing harm and distress was a significant factor in forming that opinion. Also, the panel recognised that there was no evidence to demonstrate what Mr Cheng has done since the incident to manage his behaviour. The panel noted that Mr Cheng did not demonstrate how he has learnt from this misconduct and what steps or actions he has taken to manage his stress levels for the panel to be confident that this type of behaviour will not happen again. Without clear evidence to demonstrate his learnings and actions which have been taken following this incident, for example attending training courses to help manage stressful environments or obtaining professional medical support, the panel was of the view that there was a risk that this type of behaviour could occur again. 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.

None of the listed characteristics were engaged by the panel's findings.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

None of the listed characteristics were engaged by the panel's findings.

The panel was mindful that Mr Cheng had shown some remorse for his actions in the School's earlier investigation (as noted above). However, as indicated above, the panel was of the view that Mr Cheng would need to address the concerns regarding the risk of repetition. The panel considered that the minimum review period of 2 years was appropriate for Mr Cheng to obtain the necessary training and support in order to do this.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a 2 year 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 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 Ho Cheng should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Cheng 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
- 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 was satisfied that the conduct of Mr Cheng, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

The panel finds that the conduct of Mr Cheng fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include unjustified physical contact with a Year 1 pupil.

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 Cheng, 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 Cheng, which involved a finding of an unjustified and illegitimate physical contact with a pupil and a failure to report the incident promptly, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils." 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 considered that Mr Cheng did not show significant insight into his conduct and the impact on those affected, in particular, Pupil A. The panel was of the view that Mr Cheng showed some remorse and that no malice or harm was intended by his conduct." In my judgement, the lack of full insight 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 Cheng was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of unjustified physical conduct with a pupil 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 Cheng himself and the panel comment "Mr Cheng did not demonstrate exceptionally high standards in his personal and professional conduct or having contributed significantly to the education sector."

A prohibition order would prevent Mr Cheng 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 saw evidence that Mr Cheng was previously issued with two letters of expectation prior to the incident with Pupil A on 19 December 2023, which set out previous concerns in respect of Mr Cheng's conduct towards pupils and the School's expectations in respect of Mr Cheng's future conduct going forward. Whilst the panel noted that Mr Cheng's conduct on 19 December 2023 was at the lower spectrum of harm, the evidence, looked at in its entirety, gave the panel cause for concern."

I have also placed considerable weight on the level of insight demonstrated and “The panel decided that the public interest considerations outweighed the interests of Mr Cheng. The unjustified and illegitimate physical contact with Pupil A, causing harm and distress was a significant factor in forming that opinion. Also, the panel recognised that there was no evidence to demonstrate what Mr Cheng has done since the incident to manage his behaviour. The panel noted that Mr Cheng did not demonstrate how he has learnt from this misconduct and what steps or actions he has taken to manage his stress levels for the panel to be confident that this type of behaviour will not happen again. Without clear evidence to demonstrate his learnings and actions which have been taken following this incident, for example attending training courses to help manage stressful environments or obtaining professional medical support, the panel was of the view that there was a risk that this type of behaviour could occur again.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Cheng 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, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel's comments “The panel was mindful that Mr Cheng had shown some remorse for his actions in the School's earlier investigation (as noted above). However, as indicated above, the panel was of the view that Mr Cheng would need to address the concerns regarding the risk of repetition. The panel considered that the minimum review period of 2 years was appropriate for Mr Cheng to obtain the necessary training and support in order to do this.”

I agree with the panel and have decided that a two year review period is in the public interest and proportionate in this case to satisfy the maintenance of public confidence in the profession.

This means that Mr Ho Cheng is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 2027, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Cheng remains prohibited from teaching indefinitely.

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

Mr Ho Cheng 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 stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 16 April 2025

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