

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr David Arthur Dawson

**Teacher ref no:** 6516760

**Teacher date of birth:** 15 May 1946

**TA Case ref no:** 4430

**Date of Determination:** 26 September 2012

**Former Employer:** Egerton Rothesay School, Hertfordshire Local Authority

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### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 24-26 September 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr David Dawson.

The Panel members were Mr Aamer Naeem, (Lay Panellist– in the Chair), Mrs Fiona Tankard (Professional Panellist) and Ms Jean Carter (Lay Panellist).

The Legal Adviser to the Panel was Ms Sarah Ellson of Field Fisher Waterhouse Solicitors.

The Presenting Officer for the Teaching Agency was Ms Melinka Berridge of Kingsley Napley Solicitors.

Mr Dawson was not present and was not represented.

The hearing took place in public and was recorded.

### **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 15 May 2012 with two amendments as set out below.

It was alleged that Mr Dawson was guilty of conduct that may bring the profession into disrepute, in that:

1. On three occasions Mr Dawson was found to have taken and/or been in possession of photographic images of teenage boys in swimwear, namely in:
  - a) 1996
  - b) 1998
  - c) 2004

It was alleged that Mr Dawson was guilty of unacceptable professional conduct, in that:

2. On 22 June 1993, at Bolton Le Sands Church of England Primary School, Mr Dawson smacked a pupil, Pupil A.
3. On 21\* May 2004, at Egerton Rothesay School, Mr Dawson hit a pupil, Pupil B

It was alleged that Mr Dawson was guilty of having been convicted of two relevant offences, in that:

4. On 3 March 2008 Mr Dawson was convicted of obtaining pecuniary advantage by deception between 2 September 2002 and 1 September 2004. He appeared at Leeds Crown Court on 15 May 2008 and was sentenced to imprisonment for 4 months, wholly suspended for 12 months. He was ordered to pay £872 in costs.
5. On 3 March 2008 Mr Dawson was convicted of attempting to obtain pecuniary advantage by deception on an unknown date\*\* in 2005. He appeared at Leeds Crown Court on 15 May 2008 and was sentenced to imprisonment for 4 months, wholly suspended for 12 months. He was ordered to pay £872 in costs.

There were no admissions by Mr Dawson.

\* the allegation in the Notice of Proceedings referred to 31 May but this was amended following submissions from the Presenting Officer at the beginning of the hearing.

\*\* particular 5 referred to the deception occurring on 1 November 2005 but this was amended to an unknown date following submissions from the Presenting Officer before she made closing submissions.

## **C. Summary of Evidence**

### Documents

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

- Section 1: Anonymised Pupil List (i)
- Section 2: Notice of Proceedings and response, with page numbers from 1 to 7d.
- Section 3: Witness Statements, with page numbers from 8 to 21.
- Section 4: Teaching Agency Documents, with page numbers from 22 to 101.
- Section 5: Teacher Documents, with page numbers from 102 to 122.

In addition, the Panel agreed to accept the following documents:

- Correspondence and emails between the Teaching Agency/solicitors and Mr Dawson/"Mitchell", given page numbers 123 to 129

- ICU Investigations Limited reports from 3 July 2012, given page numbers 130 to 132
- Emails between the Teaching Agency/Presenting Officer and Mr Dawson/"Mitchell" 22-24 September 2012, given page numbers 133 to 145
- Letter from Egerton Rotherhay School dated 19 September 2012 and letter from Individual A, given page numbers 146 to 148
- Letter from ISA to Mr Dawson dated 2 February 2010 with PNC print out and newspaper articles about convictions, given page numbers 149 to 155
- Email from "Mitchell" dated 24 September 2012 sent at 19:48 and acknowledgement from Teaching Agency, given page numbers 156 to 158
- Email from Presenting Officer's colleague about Leeds Crown Court information given page numbers 159-160

The Panel Members confirmed that they had read all of the documents in advance of the hearing and they read the additional documents as they were provided during the hearing.

#### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Panel heard evidence from Pupil A, the pupil referred to at particular 2 of the allegation. He gave evidence that Mr Dawson was his teacher in the school year 1992 to 1993 and he felt their relationship got off on a bad footing because he started school a week later than usual, due to a family bereavement. Pupil A said he was no worse than any other pupils, not a beacon of virtue but this was the only school year in which he had difficulties. He described the incident on 22 June 1993 in considerable detail including that Mr Dawson had taken issue with him for talking and had turned his desk to face out of the window. While this was being done Pupil A was asked to hold his chair. He was angry about why he was being singled out and threw the chair to the ground. The chair did not hit anyone and was not thrown with particular force. Mr Dawson's reaction had been to grab Pupil A by the arm and smack his bottom and then drag him out of the class to the Head Teacher's office. Pupil A said subsequently he went for some counselling but this identified no issues with his behaviour and he and his parents were concerned about how he had been treated by Mr Dawson. Pupil A could not recall any physical intervention from any other teacher at the school while he was there.

Mr B, the father of Pupil B, referred to in particular 3, gave evidence that he became aware of the incident involving his son, which had taken place on 21 May 2004, when his wife returned from a school fete on the Saturday. She had been told by the mother of another child that Pupil B had been hit on the back. Pupil B did not want a fuss but Mr B spoke to the school the following week. Mr B was concerned about what had happened and wanted the school to look into it.

The Panel heard from Witness A, previously a Detective Constable employed in the Child Abuse Investigation Unit. He explained that there had been a Beliefs Meeting involving Children's Services, the police and others to consider whether professionals agreed that Mr Dawson posed a risk to children. Witness A confirmed

he obtained the information contained in his letter, page 43 to 45 of the bundle, from Police Central Intelligence. He confirmed he had not accessed any of the images referred to and understood that these would have been returned to Mr Dawson because they did not form evidence to be used in a criminal prosecution.

Witness A indicated that during his meeting with Mr Dawson on 15 July 2005 Mr Dawson's demeanour was unconcerned and even arrogant; generally he was very dismissive of the matters being discussed. He explained that investigations of indecent images usually grade the images from 0 to 5. Category 0 is for pictures which are not considered indecent. In evidence he reiterated the concerns expressed by him at the Beliefs Meetings on 17 December 2004 and at a subsequent meeting with Mr Dawson on 15 July 2005.

#### **D. Decision and Reasons**

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing and those provided during the hearing. We have ensured that, in Mr Dawson's absence, we have had particular regard to the Teacher's documents.

This case involves a range of allegations relating to events between 1993 and 2008. Mr Dawson worked at Bolton Le Sands Church of England Primary School in Lancashire as a Deputy Headteacher from 1992 until he left in 1996. Particular 2 relates to his time at this school, and alleges that in June 1993, he smacked a pupil.

Between September 2002 and December 2004 Mr Dawson worked at Egerton Rothesay School in Berkhamsted. Particular 3 alleges that in May 2004 Mr Dawson hit a pupil at the school during a class test.

There are three dates in particular 1 which relate to times when it is suggested Mr Dawson was found to have taken and/or been in possession of photographic images of teenage boys in swimwear, namely in 1996, 1998 and 2004.

Finally it is alleged that Mr Dawson has been convicted of relevant offences of obtaining a pecuniary advantage and attempting to obtain a pecuniary advantage. The convictions date from March 2008 but are said to relate to omissions in his CV in relation to obtaining work at Egerton Rothesay School and attempting to secure other employment in 2005.

Mr Dawson was born on 15 May 1946 and is now aged 66. He refers in his documentation to having retired in December 2004 but in 2008, in correspondence written on his behalf, it was suggested that he may wish to return to teaching at some time.

## Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Dawson proven, for these reasons:

1. On three occasions Mr Dawson was found to have taken and/or been in possession of photographic images of teenage boys in swimwear, namely in:

- a) 1996
- b) 1998
- c) 2004

The Panel finds each of these sub particulars proved. There is clear evidence, which has not been disputed, that Mr Dawson was found by the police to be in possession of images of teenage boys in swimwear.

It has not been denied by Mr Dawson that he had in his possession these photographic images. The Panel recognises that Mr Dawson has provided an explanation for having the images and acknowledges that he does not accept that the police were correct to have suspicions about the nature of the photographs. In discussions about the photographs Mr Dawson has said that he is a photographer and the Panel has considered this evidence at the second stage of their decision making.

The letter from then Witness A dated 23 June 2006 at pages 43-45 of the bundle records a timeline of intelligence held by the police. The intelligence is graded by him as reliable and known to be true.

In 1996 Mr Dawson was the subject of enquiries by West Yorkshire police, following disclosure by a photograph processing service, concerning pictures he had submitted for developing. The photographs were images mostly of teenage boys in swimwear, taken at seaside locations. The police intelligence records that the subjects appeared unaware of being photographed and that many of the photographs focussed on the genital area.

Witness A, who gave evidence to the Panel, confirmed that he had not seen any of photos for himself and he was unable to assist the panel as to what "focussed on the genital area" actually meant in respect of the photographs. A police search in 1996 of Mr Dawson's West Yorkshire address found similar images. The images were all deemed not to be indecent to a degree warranting prosecution.

Information from North Yorkshire Police indicates that in June 1998 Mr Dawson was identified at a biathlon event at Thirsk Swimming Baths, acting as the official photographer of Scarborough Swimming Club. He was taking numerous photographs of children in and around the pool. He was subsequently seen at other swimming pools; again taking photographs of children aged 10-18.

On 1 August 2008 Mr Dawson was arrested at a beach in Bournemouth taking photographs of children without consent. Films seized by Dorset Police showed images of 12-14 year old males and posed photographs of a 16 year old student who Mr Dawson had said he would send the pictures to. Similar images were found at searches at his home address in Yorkshire and in the guest house in Bournemouth where Mr Dawson had been staying. A police search was also carried out at an address where Mr Dawson was staying in Aldbury Hertfordshire. Further details of the Dorset Police's involvement can be found at pages 40 and 41 of the bundle. Again it is confirmed that none of the images was considered to be indecent.

2. On 22 June 1993, at Bolton Le Sands Church of England Primary School, Mr Dawson smacked a pupil, Pupil A.

The Panel finds this particular proved.

Pupil A, now an adult, gave live evidence about the incident in 1993. The Panel accepts his evidence that he was smacked by Mr Dawson and also notes that Mr Dawson does not dispute that this happened.

At page 103 of the bundle it is stated in a document prepared by "Mitchell" on behalf of Mr Dawson that "Whilst not denying that he smacked Pupil A on the bottom [Mr Dawson] insists that this was not punishment, but reasonable restraint to prevent injury to the pupil, himself and other pupils". The Panel has noted the accounts of the context of the smack given by each of Pupil A and Mr Dawson and consider these further in the second stage of its decision making.

3. On 21 May 2004, at Egerton Rothesay School, Mr Dawson hit a pupil, Pupil B.

The Panel has found this particular proved.

The Panel was in no doubt that physical contact took place on that day between Mr Dawson and Pupil B. Mr Dawson's own account, given contemporaneously (at page 69), and also in his document at page 104, is that he instinctively "tapped" Pupil B on the top of his shoulder as a result of the pupil's behaving disruptively or in an attention seeking way during an exam. The Panel considers that whilst a tap might not be a hurtful blow, there was at very least an action involving physical contact, intended to secure Pupil B's attention.

In trying to establish the facts on the balance of probabilities the Panel has carefully reviewed the accounts given by other children who were in the room at the time (page 63 of the bundle).

The Panel considers it significant that several of the pupils' accounts refer to an audible reaction from Pupil B saying "ow" or "ouch". Also on page 69 Mr Dawson, when interviewed at the time said, "Yes [Pupil B] was shocked and said "ouch"". The Panel has concluded that it is more likely than not that Pupil B did have an audible reaction.

The Panel has considered whether the pupil might have been exaggerating for effect by giving an audible reaction, but notes that Pupil B did not go home to report the incident and was reluctant for his father to involve the school. The Panel thinks on the balance of probabilities the audible response is a helpful indicator of the nature of the contact.

There is also a degree of consistency in the evidence to suggest that Mr Dawson spoke to the child, telling him to get on with his work. This undermines Mr Dawson's account that his physical contact was an alternative to speaking to Pupil B.

The Panel recognises that the pupil accounts are hard to fully reconcile. However it considers that there is a degree of credibility that the pupils' accounts are not completely consistent; the circumstances were that the pupils should have been concentrating on their test and it is unlikely that they actually saw what happened. The Panel considers that the accounts suggest that the pupils witnessed an interaction which was not usual. The Panel has not relied on any particular pupil account but the events described by the pupils have led it to conclude that the contact could have been described as a "hit" which is why it is satisfied that this particular can be found proved.

4. On 3 March 2008 Mr Dawson was convicted of obtaining pecuniary advantage by deception between 2 September 2002 and 1 September 2004. He appeared at Leeds Crown Court on 15 May 2008 and was sentenced to imprisonment for 4 months, wholly suspended for 12 months. He was ordered to pay £872 in costs.

The Panel finds this proved on the basis of the Notice of Conviction which is produced at page 95 of the bundle and is further supported by the PNC check now available at page 151. The Panel notes from the sentencing remarks that Mr Dawson pleaded guilty to the offence and that in his document at page 103-105 he makes no attempt to dispute this particular.

5. On 3 March 2008 Mr Dawson was convicted of attempting to obtain pecuniary advantage by deception on an unknown date in 2005. He appeared at Leeds Crown

Court on 15 May 2008 and was sentenced to imprisonment for 4 months, wholly suspended for 12 months. He was ordered to pay £872 in costs.

Again the Panel finds this particular proved on the basis of the Notice of Conviction page 96 and further supported by page 151.

Findings as to conduct that may bring the profession into disrepute, Unacceptable Professional Conduct and Conviction of a Relevant Offence

Having found the facts of particular 1 proved the Panel further finds that Mr Dawson's conduct on all three occasions, when he was found to have taken and/or been in possession of photographic images of teenage boys in swimwear, is conduct that may bring the profession into disrepute.

The Panel has carefully considered the account given in Mr Dawson's document at page 103. It accepts that teachers, parents and coaches may well take and retain photographs of pupils taking part in sporting activities. It considers that the retention of press cuttings and albums of photographs of swimming or gymnastics teams is not, of itself, a matter of concern and would not bring the profession into disrepute. The Panel recognises that teachers may well have in their possession appropriately taken pictures of their pupils taken at sports events.

However, the specifics of the allegation relate to the images found by the police, which included images taken on beaches which were unrelated to school or team activities, and photographs taken at swimming galas without appropriate permission. The Panel has noted that the nature of the images was such that Mr Dawson came to the attention of the police on three separate occasions.

The Panel felt hampered by not having seen any of the photographs themselves and notes that it has not even heard from a witness who had seen the photographs, since Witness A made it clear that he had not seen them and was reliant on police intelligence. However, whilst the Panel recognises that no criminal charges have ever been brought in relation to the photographs it is concerned that the possession of the images resulted in police investigations and concerns being raised in multi-agency meetings. At the same time the Panel would wish to make clear that merely attracting the interest of the police or being subjected to police searches would not of itself amount to conduct which automatically brings the profession into disrepute.

The Panel has noted the specific details of this case include that the repeated events demonstrate that Mr Dawson did not change his behaviour over time and continued to take photographs of children, outside a school setting, without permission. The Panel acknowledges that Mr Dawson may suggest that there was no need for him to alter his behaviour given that he considered that he has not done anything wrong.



However, knowing that the police were concerned by his conduct the Panel is troubled that it does not appear that Mr Dawson reflected on how his behaviour, given his role as a teacher, would be perceived.

When the police involvement brought these matters to his attention it appears there was no change in his conduct. Even if his possession of these photographs was only the outcome of an innocent hobby, it should have been evident to him that it could be perceived in another way and that his behaviour could be construed as inappropriate.

The Panel also has reservations about the genuineness of Mr Dawson's response to the police involvement. The Panel is particularly concerned about the explanations given in relation to the swimming pool photography in 1998. It was reported that in June 1998 Mr Dawson was challenged over his ASA (Amateur Swimming Association) identification and it is clear that he did not have such identification in June 1998; he told the police he was seeking accreditation. Based on the evidence available to the Panel, in particular Mr Dawson's own evidence at pages 121 and 106, it appears that Mr Dawson only applied for accreditation with the ASA in July 1998 and it was not until February 1999 that he received the accreditation to be an official photographer.

The Panel is concerned that in June 1998 Mr Dawson led police to believe he was at least applying for accreditation but that the evidence is that he only sought to do this after their involvement, and that his account was misleading. It also notes the undisputed suggestion at page 26 that Mr Dawson was subsequently banned from ASA events. The ASA letter of 9 February 1999 serves to further underline the concerns in this case that photographs were being taken without the necessary and appropriate parental permissions.

Overall the Panel considers that the facts found proved show a lack of awareness by Mr Dawson of the concept that being a professional requires an individual to exercise sound professional judgment and to demonstrate an awareness of how he or she will be seen as a teacher. Even if not for his own sake, as a teacher Mr Dawson had an obligation to consider the reputation of his profession. The repeated nature of this conduct has a cumulative effect on the Panel's judgment as to the appropriateness of the conduct but it is satisfied that on each of the separate occasions the conduct was capable of bringing the teaching profession into disrepute.

Having found the facts of particular 2 proved, the Panel further finds that Mr Dawson's conduct on 22 June 1993, when he smacked a pupil, Pupil A, amounts to unacceptable professional conduct.

The Panel has noted the information in the report of the contemporaneous investigation of the complaint made by Pupil A's parents at page 50 which records that, whilst not denying that he smacked the Pupil on the bottom Mr Dawson insisted that this was not punishment but that this was reasonable restraint to prevent injury to the pupil, Mr Dawson or other pupils.

The Panel has also had in mind the credible account given by Pupil A of the incident and the context in which it arose. The Panel notes that Pupil A agrees that he threw down his chair which he had been asked to hold. In the circumstances, although the incident appeared to be over, the Panel accepts that it could be argued that the Pupil needed restraining. However, the Panel does not accept that a smack on the bottom could, in any circumstances, be a form of restraint. Smacking could only have been a punishment. At the relevant time it was not lawful to smack a pupil and, based on the Panel's collective experience and Pupil A's account, even in 1993, this was not acceptable. The evidence from Pupil A was that it was not usual for this to happen at Bolton Le Sands School. The Panel's view is that this is serious misconduct, which falls significantly short of the standard to be expected of teachers, and amounts to unacceptable professional conduct.

Having found the facts of particular 4 proven, that on 3 March 2008 Mr Dawson was convicted of obtaining pecuniary advantage by deception, the Panel further finds that this is a relevant conviction

The facts of this conviction are clearly linked to his teaching as it relates to Mr Dawson's teaching CV which he actively used to get a role in teaching. The judge, when sentencing Mr Dawson, said, "You got a job at the Egerton Rothesay school by lying in your application," and that he began working at the school, "having failed to disclose your employment at your previous school, for obvious reasons, which meant that you would not have been given that employment."

The Panel agrees that it is important and relevant that Mr Dawson's CV included full details of the relevant previous teaching position at Bolton-Le-Sands School to enable Egerton Rothesay School to contact the former employer. The Panel accepts that it is likely that, had the position been disclosed and contact been made with Bolton-Le-Sands School, Mr Dawson would not have got the job at Egerton Rothesay School.

The Panel has noted the reasons given by Mr Dawson on 15 July 2005 (page 32 of the bundle) as to why details were omitted, namely because he did not get on well with the Head. In fact the Panel considers the omissions were because of the circumstances of Mr Dawson's departure from the school. It appears from the letter written by the former Headteacher, Individual B, at page 52 of the bundle, that Mr

Dawson left the school, never to be seen again, when he was informed by the Headteacher about the police investigation in 1996 relating to the photographs.

The Panel also notes that Mr Dawson has explained (in the document at page 119) the impracticalities of including details of supply teaching jobs, some only lasting days, on teaching application forms. The Panel considers this disingenuous as, in relation to the matter for which he was convicted, Mr Dawson omitted a key period of employment.

The Panel further notes that the offence of deception was of such a serious nature that a prison sentence was imposed albeit that it was suspended.

The circumstances of the conviction of deception were such that the Panel judges it to be a relevant conviction.

Similarly, having found the facts of particular 5 proved, that on 3 March 2008 Mr Dawson was convicted of attempting to obtain pecuniary advantage by deception on an unknown date in 2005, the Panel further finds that this was a relevant conviction.

Again the conviction relates to the omission in a CV in 2005 of key periods of employment as a teacher, both at Bolton-Le-Sands School and at Egerton Rothesay School.

Although the details of the offence are not totally clear, it appears that Mr Dawson sought further employment in 2005 but omitted both periods of employment when applying for teaching jobs with supply agencies. The Panel notes that Mr Dawson has explained that, when he went to register with the two teaching supply agencies in February/March 2005, he had no knowledge that a multi-agency Beliefs Meeting, at which his behaviour had been identified as a risk, had been convened by the police, Hertfordshire Children's services and Egerton Rothesay School. However the Panel does not consider this explains or justifies the omissions in the CV.

The repetition of this behaviour; the omission of two schools where there had been significant issues, is viewed by the Panel as particularly serious. Again, the Panel notes that the offence of deception was of such a serious nature that a suspended prison sentence was imposed.

Having found the facts of particular 3 proved nevertheless the Panel finds that Mr Dawson's conduct on 21 May 2004, at Egerton Rothesay School, when he hit Pupil B does **not** amount to unacceptable professional conduct.

In this particular case Mr Dawson was apparently trying to stop the behaviour of Pupil B which arose in the course of an exam or class test.

The Panel considers that it is appropriate for a teacher to address potentially disruptive conduct by a pupil during a test or exam and it could be acceptable to touch a pupil in such a situation. However it does not consider that hitting a pupil, in a manner that caused an audible reaction from the pupil, is appropriate.

In trying to assess the seriousness of Mr Dawson's misconduct, the Panel has noted the conflicting accounts from the pupils. Some suggest that Pupil B cried and had his pocket ripped off, but another suggests he responded by giggling. The Panel notes that Pupil B did not report what had happened and accepts that there is a lack of clarity about exactly what happened which restricts the Panel's ability to judge the seriousness of the incident.

The Panel is disappointed to note that when, during the disciplinary meeting on 6 July 2004 (page 75/6), he was asked whether he would apologise, Mr Dawson said "no".

The Panel is satisfied that Mr Dawson's physical contact with the Pupil was certainly inappropriate behaviour. It is also clear that the contact was contrary to the school's policy on physical contact. However, having regard to the definition of unacceptable professional conduct, the Panel is not satisfied that the conduct fell significantly short of the standards to be expected of teachers and have found it hard, on the evidence available, to gauge the seriousness of the incident.

In reaching this conclusion the Panel has noted that, whilst it is not bound by the school's decision, the school also considered the actions to be misconduct and the improper use of physical force (as set out in their letter p79), for which it imposed a six month written warning.

### **Panel's Recommendation to the Secretary of State**

The Panel recommends that the Secretary of State should impose a Prohibition Order in this case.

The Panel has noted that Mr Dawson has had a career in teaching spanning 40 years. There is no evidence before the Panel of any other incidents and the Panel did not find the incident with Pupil B to be unacceptable professional conduct. It has also noted that Mr Dawson has no previous history with the Teaching Agency. The Panel is also aware that Mr Dawson's name has never been placed on List 99 or on a barring list preventing him from working with children.

However, the Panel also notes that the conduct in this case took place over a 12 year period from 1993 to 2005. The range and extent of the concerns have led the

Panel to conclude there is clear evidence that Mr Dawson has a deep seated attitudinal problem.

Although Mr Dawson is 66 there is evidence in the papers that he might seek to return to teaching in the future. The Panel concludes that there is a significant risk of repetition of the behaviour, were Mr Dawson allowed to return to teaching.

The Panel has noted that in his document, at pages 103 to 105, Mr Dawson refers to a Specialist Assessment Report and to a Lucy Faithful Foundation Assessment and at page 117 he refers to supporting letters A to L written by parents of children in his class at Bolton-Le-Sands School. However, Mr Dawson has not provided copies of these for the Panel to consider in relation to the hearing this week.

Having regard to all the allegations found proved in this case the Panel considers that Mr Dawson's behaviour has been entirely deliberate. In the case of particular 2 the Panel heard from Pupil A that the incident, when he was smacked, caused not only a degree of pain but also led him to suffer from a lack of confidence for some time after the event.

Overall the lack of insight and Mr Dawson's response to the concerns, which were described by Witness A as arrogant and flippant, lead the Panel to be concerned that he may present a risk to children. Contributing to this conclusion is a concern that Mr Dawson has not been entirely honest with those who have had to deal with him, ranging from the police and the ASA accreditation to his two convictions involving deception. This type of conduct has extended to the way he has approached these proceedings as illustrated by the various emails sent on his behalf which have given a confused picture as to Mr Dawson's whereabouts and whether he was able or expected to attend.

In this case the Panel considers the serious findings of bringing the Profession into disrepute, unacceptable professional conduct and two relevant convictions give a very concerning picture of the way in which Mr Dawson has behaved. The relevant convictions were serious criminal convictions and included findings that indicate dishonesty.

The repeated conduct gives no indication that Mr Dawson would change over time. There have been a number of interventions from schools, police, a local authority and the criminal justice system. None of these appears to have generated a change in Mr Dawson's behaviour and the Panel is doubtful that its findings today will cause Mr Dawson to significantly change. Throughout these interventions Mr Dawson has not shown any remorse and for this reason the Panel recommends that Mr Dawson should be denied the opportunity to ever apply to have the Prohibition Order set aside.

**Secretary of State's Decision and Reasons**

**I have given careful consideration to this case and to the recommendation of the panel.**

**Mr Dawson has presented a series of episodes of unacceptable behaviour and misconduct, including relevant criminal convictions over a number of years. The panel concluded that this pattern of behaviour was itself evidence of a deep-seated attitudinal problem.**

**The criminal convictions that the panel found to be relevant were serious criminal convictions. These convictions brought the profession into disrepute and were so serious that they attracted a custodial sentence, albeit one that was suspended.**

**I therefore support the recommendation that Mr Dawson is prohibited from teaching. Furthermore, in the light of the evidence of a deep-seated attitudinal problem, and evidence of misconduct over a period of time, I support the recommendation that Mr Dawson is not given a review period.**

This means that Mr David Dawson 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 David Dawson 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 David Dawson has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

**NAME OF DECISION MAKER: Alan Meyrick**

**Date: 26 September 2012**