



National College for
Teaching & Leadership

Mr Dean Richard Johnson: Professional conduct panel outcome

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

June 2017

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

Teacher: Mr Dean Richard Johnson
Teacher ref number: 9708006
Teacher date of birth: 20 October 1964
NCTL case reference: 10274
Date of determination: 2 June 2017
Former employer: Charterhouse School, Surrey

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 1 and 2 June 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Dean Richard Johnson.

The panel members were Ms Gail Goodman (teacher panellist - in the chair), Mr Chris Rushton (lay panellist), and Ms Ann Walker (former teacher panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Kayleigh Brooks of Browne Jacobson LLP.

Mr Johnson was in attendance and was represented by Ms Annie Railton, ATL Regional Official.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 22 May 2017.

It was alleged that Dean Richard Johnson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

Whilst employed as a teacher at Charterhouse he:

1. Had an inappropriate relationship with Pupil A between January 2008 and July 2008, whilst Pupil A was on or shortly after leaving the School roll, in that he:
 - a. Contacted Pupil A through Facebook;
 - b. Offered a lift to Pupil A from the classroom to the dinner hall;
 - c. Gave a gift to Pupil A for her 18th birthday, in particular the special edition of the [redacted];
 - d. Asked Pupil A her underwear size;
 - e. Brought Pupil A underwear;
 - f. Invited Pupil A to his classroom to engage in sexual activity;
 - g. Had sexual intercourse with Pupil A;
2. Had an inappropriate relationship with Pupil A between June 2008 and 2013, when she had left the School in that he:
 - a. Engaged in sexual activity with Pupil A;
 - b. Recorded his sexual encounters with Pupil A on;
 - i. his mobile phone;
 - ii. a camera that had been purchased with school funds;

On or around 11th May 2015, he was convicted at the Guildford Crown Court in respect of the following criminal offence:

3. Possession of extreme pornographic images – An act which threatens a person's life subject to the Criminal Justice and Immigration Act 2008 s63(7)(a) as a result of your conviction you were suspended to a period of imprisonment of 8 months, wholly suspended for 24 months, costs of £2,000, victim surcharge of £100 and forfeiture under s3 Obscene Pubs Act 1959 of two laptops and the hard drives.

Mr Johnson admitted the facts of allegations 1 and 2 and that such facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In respect of allegation 3, whilst the facts of the conviction were admitted, it was denied that the conviction was a relevant conviction.

C. Preliminary Applications

Additional documents

The presenting officer applied to introduce additional documents which included the following: a Statement of Agreed Facts, an amended Notice of Proceedings dated 22 May 2017 with the response to that Notice from Mr Johnson, statements from Pupil A and additional correspondence. The documents are paginated 55A – 55FFF.

There was no objection to the application and the panel agreed to allow those documents into evidence.

Ms Railton also applied for additional documents to be introduced, namely a short document signed by Mr Johnson and dated 8 May 2017 and a short statement from Dr Lancefield dated 26 May 2017. The documents have been paginated 97 – 100.

There was no objection to that application and the panel allowed those documents into evidence.

Amendment

The presenting officer applied to amend allegation 1 so that the period during which the alleged inappropriate relationship took place was between January 2008 (as opposed to September 2006) and July 2008.

There was no objection to the application and the panel allowed the amendment.

D. Summary of evidence

Documents

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

Section 1 – Chronology and Anonymised Pupil List (pages 2 – 4);

Section 2 – Notice of Proceedings and response (pages 6 – 13);

Section 3 – NCTL witness statements – none;

Section 4 – NCTL documents (pages 16 – 55);

Section 5 – Teacher documents (pages 57 – 96).

As stated, the panel allowed into evidence additional documents (pages 55A – 55FFF and 97 – 100).

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

Witnesses

The panel did not hear oral evidence from any witnesses.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

The panel has been provided with a Statement of Agreed Facts signed by the presenting officer and Mr Johnson and dated 1 June 2017.

Brief Summary

In September 1997, Mr Johnson commenced employment as a physics teacher at Charterhouse School (“the school”).

On 12 April 2013, Mr Johnson was arrested by the police following a complaint having been made by Pupil A relating to a relationship between her and Mr Johnson which took place in the period January 2008 to July 2008 at a time when Pupil A was a pupil at the School, and continued after Pupil A had left the School. Pupil A was on the School roll until 28 June 2008.

In investigating the complaint, the police took possession of IT equipment belonging to Mr Johnson and discovered material which led to his prosecution which, in turn, led to the conviction recorded against him in May 2015.

Mr Johnson resigned from his post at the School on 16 April 2013.

Findings of fact

Our findings of fact are as follows:

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

Whilst employed as a teacher at Charterhouse you:

- 1. Had an inappropriate relationship with Pupil A between January 2008 and July 2008, whilst Pupil A was on or shortly after leaving the School roll, in that you;**
 - a. Contacted Pupil A through Facebook;**

The following admissions are made by Mr Johnson in the Statement of Agreed Facts:

6. Mr Johnson admits that he had contact with Pupil A via Facebook in 2008 whilst she was on the School roll.
7. Mr Johnson accepts that the Facebook contact he had with Pupil A was inappropriate since they discussed topics such as sex and previous relationships. Mr Johnson accepts that during these Facebook exchanges both he and Pupil A disclosed their sexual fantasies.

Having considered the evidence contained in the statement of Pupil A, and the admissions made by Mr Johnson, the panel finds the facts of this particular proved.

b. Offered a lift to Pupil A from the classroom to the dinner hall;

The following admissions are made by Mr Johnson in the Statement of Agreed Facts:

8. Mr Johnson admits that he offered Pupil A a lift from the classroom to the dinner hall in his car and that he and Pupil A were the only people in the car at the time.

Pupil A states, and the panel finds, that there was sexual contact between her and Mr Johnson during the journey from the classroom and the dinner hall.

This is confirmed by Pupil A and therefore the panel finds the facts of the particular proved.

c. Gave a gift to Pupil A for her 18th birthday, in particular the special edition of the [redacted];

The following admissions are made by Mr Johnson in the Statement of Agreed Facts:

9. Mr Johnson admits that he gave Pupil A a special edition of the [redacted], which was Pupil A's favourite film.
10. Mr Johnson accepts that Pupil A was on the School roll at this time.

The panel relies on Mr Johnson's admission and finds the facts of this particular proved.

d. Asked Pupil A her underwear size;

e. Brought Pupil A underwear;

The following admissions are made by Mr Johnson in the Statement of Agreed Facts in respect of particulars 1.d. and 1.e.:

11. Whilst Pupil A was on the School roll Mr Johnson admits that he asked for Pupil A's underwear size and subsequently bought underwear for Pupil A, specifically a pair of stockings. Mr Johnson

accepts that this conduct was inappropriate given that it was of a sexual nature.

Pupil A confirms in her statement that Mr Johnson had purchased underwear, namely stockings, for her and, when in the classroom, he gave them to her asking her to put them on, which she did.

The panel finds the facts of particulars 1.d. and 1.e. proved.

f. Invited Pupil A to your classroom to engage in sexual activity;

g. Had sexual intercourse with Pupil A;

The following admissions are made by Mr Johnson in the Statement of Agreed Facts in respect of particulars 1.f. and 1.g.:

12. Mr Johnson admits that a sexual relationship commenced with Pupil A in June 2008. At this time Pupil A had reached the age of 18 but was still on the School roll.
13. Mr Johnson admits that he invited Pupil A to his classroom and that he engaged in sexual activity with Pupil A in his classroom. Mr Johnson accepts that on another occasion, whilst Pupil A was on the School roll, he invited Pupil A to his classroom and they had sexual intercourse.
14. Mr Johnson accepts that it was inappropriate to develop a sexual relationship with Pupil A whilst she was still on the School roll.
15. Mr Johnson accepts that to engage in the conduct as set out in paragraphs 6-14 above resulted in an inappropriate relationship with Pupil A.

Pupil A's account is consistent with the facts admitted by Mr Johnson. It is accepted that, in 2007, Pupil A had formed a "crush" on Mr Johnson and that she had made her feelings known to him. It is also accepted that Mr Johnson brought this to the attention of his line manager and Pupil A was consulted about her feelings. Finally, the submission was made that the timetabling was not altered to ensure that Mr Johnson was not required to teach Pupil A in the following year.

Nevertheless, despite being aware of the risks presented by the feelings of Pupil A towards him as evidenced by his reporting of the matter to his line manager, the panel is satisfied that Mr Johnson took advantage of Pupil A's attraction towards him. The sexual relationship between her and Mr Johnson was developed and encouraged by him. Furthermore, the panel is particularly concerned at the description of the sexual activity outlined by Pupil A, which was not challenged by Mr Johnson. [Redacted] This was at the instigation of Mr Johnson. Such activity, which took place in the classroom and with a pupil still on the School roll, is completely unacceptable.

The panel therefore finds particulars 1.f. and 1.g. proved.

Taking account of its findings of fact in respect of the particulars of allegation 1, the panel finds that Mr Johnson formed an inappropriate relationship with Pupil A between January 2008 and July 2008 whilst Pupil A was on the School roll. Consequently, the panel finds allegation 1 proved.

- 2. Had an inappropriate relationship with Pupil A between June 2008 and 2013, when she had left the school in that you;**
 - a. Engaged in sexual activity with Pupil A;**
 - b. Recorded your sexual encounters with Pupil A on;**
 - i. your mobile phone;**
 - ii. a camera that had been purchased with school funds;**

The following admissions are made by Mr Johnson in the Statement of Agreed Facts in respect of the particulars of allegation 2:

16. Mr Johnson admits that he continued his sexual relationship with Pupil A after she had left the School and came off the School roll.
17. Mr Johnson admits that he made recordings of his sexual encounters with Pupil A on his personal mobile phone and a camera which was partly purchased with school funds and partly purchased with Mr Johnson's funds.
18. Mr Johnson accepts that to engage in the conduct as set out in paragraphs 16-17 above resulted in an inappropriate relationship with Pupil A as she had only recently been removed from the School roll and their relationship was founded entirely on Mr Johnson's position as her teacher.
19. Mr Johnson also accepts that it was inappropriate to make recordings of a sexual nature using a device partially funded by the School.

Pupil A confirms in her statement, and the panel finds, that the sexual relationship between her and Mr Johnson continued into October 2008 and beyond. The panel is particularly concerned to note that, in a sexual relationship founded on Mr Johnson exercising his influence as a teacher, he resorted to practices such as recording his sexual activity with Pupil A.

[Redacted]

On this basis, the panel finds the facts of particulars 2.a. and 2.b. proved and therefore finds allegation 2 proved.

On or around 11th May 2015, you were convicted at the Guildford Crown Court in respect of the following criminal offence:

- 3. Possession of extreme pornographic images – An act which threatens a person's life subject to the Criminal Justice and Immigration Act 2008 s63(7)(a) as a result of your conviction you were suspended (sic) to a period of imprisonment of 8 months, wholly suspended for 24 months, costs of £2,000, victim surcharge of £100 and forfeiture under s.3 Obscene Pubs Act 1959 of two laptops and the hard drives.**

This allegation was admitted by Mr Johnson. The panel also relies on the Certificate of Conviction dated 31 October 2016 which represents conclusive proof of the conviction. Finally, the panel has considered the sentencing remarks made by the judge at the sentencing hearing at Guildford Crown Court on 11 May 2015.

Consequently, the panel finds the facts of allegation 3 proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

In doing so, the panel has had regard to the document entitled Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”, and the Teachers Standards.

The panel is satisfied that the conduct of Mr Johnson in relation to the facts found proved, involve breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Johnson 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 is satisfied that Mr Johnson is guilty of unacceptable professional conduct in that his conduct fell significantly short of the standards expected of the profession.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are very serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Johnson's actions constitute conduct that may bring the profession into disrepute.

With regard to the conviction as set out at allegation 3 above, the panel is satisfied that the conviction is relevant to Mr Johnson's fitness to be a teacher.

The panel has taken account of how the teaching profession is viewed by others. The panel considers that Mr Johnson's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Mr Johnson's behaviour has ultimately led to him receiving a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offence committed.

Mr Johnson maintains that the conviction was not relevant and that he viewed the material in private. The panel rejects such submissions. This is a case involving an offence relating to the possession, and viewing, of pornographic images described by the judge as extreme and perverted although the panel confirms they did not include any images of children.

The panel has taken into account the written evidence that has been provided by Mr Johnson attesting to his exemplary record as a teacher. The panel has also taken into consideration Mr Johnson's account of the emotional difficulties he describes that he was suffering at the relevant time. It has also been confirmed in the sentencing remarks that there was no suggestion that, through Mr Johnson, any pupils at the school came into contact with this type of material, and the pre-sentence report prepared in advance of the sentencing hearing at Guildford Crown Court on 11 May 2015 described the risk of recurrence of this sort of behaviour as low.

The panel has also taken into account the references and testimonials submitted on his behalf, to include the statement made by his wife, and the representations made on his behalf by his solicitors.

Although the panel finds the evidence of Mr Johnson's teaching proficiency to be of note, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to his ongoing suitability to teach. The panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute, and the conviction of a relevant offence, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the public interest in the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel also acknowledged that there is a public interest in a teacher who is able to make a valuable contribution to the profession being able to continue in that profession, as outlined in the judgment in *Wallace v Secretary of State for Education* [2017] EWHC 109 (Admin). The Wallace judgment also stated that a finding of unacceptable professional conduct and the formal publication of the findings of misconduct are of themselves detrimental and illustrate that such misconduct is wholly unacceptable.

The panel's findings against Mr Johnson involved a sexual relationship with a pupil and the conviction of an offence which related to the possession of pornographic material described by the judge as extreme and perverted. In light of such findings, the panel considers that all three elements of the public interest considerations are engaged.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of an inappropriate relationship with a pupil. The panel has considered very carefully the serious and continuing consequences, both personal and in terms of her academic progression, which have beset Pupil A as a result of Mr Johnson's conduct as outlined in her statements.

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

Finally, the panel considers that a strong public interest consideration in declaring proper standards of conduct in the profession is also present as the conduct found against Mr Johnson is far outside that which can reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Johnson.

Mr Johnson's professional reputation has already been adversely affected by these proceedings. In the particular circumstances of this case, the public findings of unacceptable professional conduct, conduct that may bring the profession into disrepute and the conviction of a relevant offence are sanctions in themselves and will be with Mr Johnson throughout his future life.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Johnson. The panel has taken further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departures from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust
- sexual misconduct, to include actions of a sexual nature based on the exploitation of the trust and influence derived from Mr Johnson's professional position;
- the commission of a serious criminal offence.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

However, there is no evidence to suggest that Mr Johnson's actions were not deliberate, nor was he acting under duress. Indeed, in respect of his conduct towards Pupil A, the panel found Mr Johnson's actions to be calculated and planned. A clear example of this is where Mr Johnson invited Pupil A to the classroom when they had sexual intercourse. On her arrival, the blinds had already been drawn and Mr Johnson locked the door.

The panel also rejects the submission made on behalf of Mr Johnson that this was one grave error of judgment in an otherwise unblemished career. The panel does not accept that this was an isolated incident. First, the relationship developed and subsisted for a long period of time. Secondly, not only are there allegations of an inappropriate

relationship with a pupil but also the discovery of illegal content on Mr Johnson's laptop which led to a criminal conviction.

As stated, the panel has read the testimonials and references submitted on his behalf. The panel has also read carefully the statement provided by his wife and the representations provided by his solicitors. The references include those from a former pupil and her mother, both stating how supportive Mr Johnson had been and that he had been an excellent teacher. There is also a reference from a person who had offered Mr Johnson part-time employment since his resignation from the school. The reference is not dated but provides a supportive outline of Mr Johnson as a teacher and a father. Finally, the panel accepts that Mr Johnson has held a teaching post overseas and that there is no evidence to suggest that he has behaved in anything other than an appropriate manner during that time.

The panel is prepared to accept that, prior to his misconduct towards Pupil A and his conviction, Mr Johnson was a person of good character and that he was a competent and well-regarded teacher.

Nevertheless, the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Johnson even though he has clearly suffered considerably already as a consequence of his behaviour.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel has gone on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel is mindful that the Advice advises 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 two years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is of serious sexual misconduct. An example of this is where the act was sexually motivated and resulted in or had the potential to result in, harm to a pupil, particularly where the individual has used their professional position to influence or exploit that pupil.

[Redacted]

Finally, the panel had been struck by the consequences of Mr Johnson's conduct for Pupil A which has been set out clearly in her statement. Those consequences have been far-reaching in terms of her emotional state and her academic progression.

[Redacted]

The panel is not convinced that Mr Johnson fully appreciates, or has sufficient insight into, the long-term effect his behaviour has had on Pupil A even though he has apologised for his conduct and any harm he may have caused.

Whilst Mr Johnson declined to give evidence, the panel took into consideration the fact that he had admitted the allegations and he had expressed both in writing and in oral submissions his deep regret and shame for his conduct. He has apologised for any harm caused to Pupil A and also for the effect that his behaviour has had on his family. The panel does not doubt he is being truthful when he says that not a day goes by when he does not feel ashamed of what he has done and for the consequences of his actions.

Whilst it is noted that the pre-sentence report assesses the risk of Mr Johnson reoffending as low, that is restricted to the activities leading to the conviction; the panel must also take account of the conduct of Mr Johnson towards Pupil A.

The recommendation of the panel, whilst not in any way designed to be punitive, must take account of the risk of repetition of the sort of behaviour which has led to these proceedings against Mr Johnson. The panel is not sufficiently reassured by what it has read and heard to enable it to find that there is no risk of repetition of this behaviour.

The panel considers the findings indicate a situation in which a review period would not be appropriate and has decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

In considering this case I have given very careful attention to the advice that is published by the Secretary of State 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. In addition the panel has found that the conviction amounts to a relevant conviction. The panel has made a recommendation to the Secretary of State that Mr Johnson should be the subject of a prohibition order, with a no provision for a review period.

In particular the panel has found that Mr Johnson 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 has set out that it is satisfied that Mr Johnson is guilty of unacceptable professional conduct in that his conduct fell significantly short of the standards expected of the profession.

The panel has also taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are very serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Johnson's actions constitute conduct that may bring the profession into disrepute.

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 or not a less intrusive measure, such as the published finding of unacceptable professional conduct, conduct that may bring the profession into disrepute, and a 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 Johnson, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed that Mr Johnson's behaviours "involved a sexual relationship with a pupil and the conviction of an offence which related to the possession of pornographic material described by the judge as extreme and perverted." The panel has also said that it found, "Mr Johnson's actions to be calculated and planned. A clear example of this is where Mr Johnson invited Pupil A to the classroom when they had

sexual intercourse. On her arrival, the blinds had already been drawn and Mr Johnson locked the door.”

A prohibition order would therefore prevent the risk of future similar behaviour from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “is not convinced that Mr Johnson fully appreciates, or has sufficient insight into, the long-term effect his behaviour has had on Pupil A even though he has apologised for his conduct and any harm he may have caused”.

In my judgement the lack of sufficient insight and remorse means that there is considerable risk of the repetition of this behaviour and this risks future pupils’ well-being. 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, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Johnson were not treated with the utmost seriousness when regulating the conduct of the profession.”

I am particularly mindful of the finding of sexual misconduct 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 failure to impose a prohibition order might be regarded by the public 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, 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 Johnson himself. I have noted the panel’s comments concerning Mr Johnson’s teaching. I have also noted the comments made about Mr Johnson’s personal health.

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 concerning the impact of his behaviour on Pupil A. The panel has referred to, “the serious and continuing consequences, both personal and in terms of her academic progression, which have beset Pupil A as a result of Mr Johnson's conduct as outlined in her statements”.

Overall I have given less weight in my consideration of sanction therefore, to the contribution that Mr Johnson has made and is making 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 that is not backed up by remorse or insight, coupled with the very serious impact that Mr Johnson's behaviour has had on Pupil A, 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that there should be no provision for a review period.

I have considered the panel's detailed comments on this matter, "Whilst it is noted that the pre-sentence report assesses the risk of Mr Johnson reoffending as low, that is restricted to the activities leading to the conviction; the panel must also take account of the conduct of Mr Johnson towards Pupil A.

The recommendation of the panel, whilst not in any way designed to be punitive, must take account of the risk of repetition of the sort of behaviour, which has led to these proceedings against Mr Johnson. The panel is not sufficiently reassured by what it has read and heard to enable it to find that there is no risk of repetition of this behaviour".

I have considered whether a provision for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that there should be no review period: These elements are the sexual misconduct found, the serious impact on Pupil A and the lack of sufficient insight or remorse.

I consider therefore that a prohibition with no review period is required to satisfy the maintenance of public confidence in the profession. I believe that is proportionate and in the public interest.

This means that Mr Dean Johnson 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 Dean Johnson 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 Dean Johnson 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.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 9 June 2017

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