



Teaching
Regulation
Agency

Mr Aaron Allen Dale: Professional conduct panel outcome

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

April 2018

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

Teacher: Mr Aaron Allen Dale

Teacher ref number: 3731787

Teacher date of birth: 17 December 1990

TRA case reference: 16139

Date of determination: 4 April 2018

Former employer: George Abbot School ("the School") Area

A. Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 3 April 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Aaron Allen Dale.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Mr Kevin Robertshaw (lay panellist) and Mrs Marjorie Harris (former teacher panellist).

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

The presenting officer for the Teaching Regulation Agency (TRA) was Ms Kayleigh Brooks, counsel instructed by Browne Jacobson LLP, solicitors.

Aaron Allen Dale 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 26 January 2018.

It was alleged that Mr Aaron Allen Dale was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a science and geography teacher at George Abbot School between 1 November 2014 and 2 February 2017, he:

- 1. Failed to maintain professional boundaries toward Pupil A, including in that he:**

a. met with Pupil A on a 1 – 1 basis at [REDACTED] in Guildford on the evening of 23 September 2016;

b. engaged in inappropriate physical conduct with Pupil A, in that he kissed Pupil A;

2. Used his personal laptop to search for websites and/or material involving sexual activity with children;

3. Used his personal mobile phone to take and store images relating to school activities.

Mr Dale admitted the facts of allegations 1a and 3. He denied the facts of allegations 1b and 2.

Mr Dale admitted that, in respect of the allegations he had admitted, he was guilty of unacceptable professional conduct.

C. Preliminary applications

Proceeding in absence

The panel considered an application from the presenting officer to proceed in the absence of Mr Dale. The panel was satisfied that the proceedings had been properly served in accordance with the Teacher Misconduct (Disciplinary Procedures) Rules.

The notice of proceedings dated 26 January 2018 had been sent to Mr Dale via email, he having confirmed that correspondence should be sent to him in this way.

The notice of proceedings contained all necessary information including the date of hearing and the location at which the hearing would take place.

Mr Dale had returned to the TRA the pro forma duly completed and signed by him dated 11 March 2013. In the pro forma, he confirmed that he did not intend to appear at the hearing nor did he intend to be represented.

The panel also took into consideration the fact that, on 10 January 2018, Mr Dale had signed a statement of agreed and disputed facts.

By email of 9 February 2018, Mr Dale confirmed that he would not be in attendance at the hearing. He had also been asked whether he would wish to join the hearing via skype but he had stated that he did not wish to take advantage of that facility.

In an unsigned letter to the panel dated 6 March 2018, Mr Dale stated that he was unable to attend or send representation but asked the panel to take account of the content of the letter at the hearing.

At no stage had Mr Dale indicated that he would wish to seek an adjournment of the hearing.

In the circumstances, the panel was satisfied that Mr Dale was aware of the hearing date and the nature of the allegations being made against him to which he had responded.

The panel concluded that Mr Dale had waived his right to attend the hearing and that nothing would be achieved if the matter were to be adjourned. Furthermore, on the material before it, the panel was satisfied that it would be able to reach proper findings in respect of the allegations made against Mr Dale.

The panel therefore decided that it was appropriate and in the public interest for the hearing to proceed in the absence of Mr Dale.

Additional Documents

Ms Brooks applied to admit two additional documents. The first was an updated anonymised list of pupils to include the names of those pupils appearing in the papers over and above Pupil A. The panel agreed to this document being admitted.

The second document related to a map of the area to include the location of the [REDACTED] and of [REDACTED] in which Mr Dale had met with Pupil A.

Ms Brooks suggested that this would be of assistance to the panel and would provide a greater sense of perspective. Ms Brooks stated that this was relevant when considering the evidence of the pupils and whether the meeting was pre-planned.

The panel was concerned that this application was being made at a time when Mr Dale was not in a position to either consent or object to it. Furthermore, there was no reason why the map could not have been included in the original papers served by the TRA. However, it was accepted that the map may prove of some assistance in resolving certain issues which the panel would have to determine in reaching its findings of fact.

Consequently, having satisfied itself that Mr Dale would not be prejudiced by the introduction of the map, in that it may transpire that it supported his version of events, the panel decided that it may be of assistance and that it was in the interests of a fair hearing for the map to be introduced.

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 1 to 5

Section 2: Notice of Proceedings, Response and Statement of Agreed and Disputed Facts – pages 6 to 20

Section 3: TRA witness statements – pages 21 to 27

Section 4: TRA documents – pages 28 to 96

Section 5: Teacher documents – pages 97 to 102

In addition, as outlined above, the panel agreed to accept the further anonymised list (page 14A) and the map (page 96A).

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

Witnesses

The panel heard oral evidence from the following witness who gave evidence on behalf of the TRA:

Detective Inspector Rob Harris

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

A background to the circumstances leading to Mr Dale's referral to the TRA was contained in paragraphs 1 to 4 of the Statement of Agreed and Disputed Facts which are set out below:

1. George Abbot School, hereinafter 'the School', is a school providing secondary and sixth form education for pupils aged between 11 and 18 years. Mr Dale was employed as a teacher at the School from 1 November 2014 to 2 February 2017.
2. Concerns relating to allegation 1 were first raised by [REDACTED] who called the School after a girl (Pupil A) reported to them that a student at the School was having a relationship with Mr Dale. Friends of Pupil A disclosed that Pupil A had told them she was in a relationship with an older male and named that male as [REDACTED] Mr Dale.

3. As a result of these concerns, an internal school investigation was commenced into the conduct of Mr Dale.
4. Surrey Police arrested Mr Dale on 6 October 2016 on suspicion of abuse of position of trust – cause or incite sexual activity with a child under Section 17 Sexual Offences Act 2003. Items of property were seized from Mr Dale’s flat including data storage devices. The police conducted an investigation into Mr Dale but concluded that there was insufficient evidence to support criminal charges.

Following a disciplinary hearing held at the School on 30 January 2017, Mr Dale was informed by letter on 2 February 2017 that he had been dismissed from his employment at the School. His appeal against that decision, heard on 17 March 2017, was unsuccessful and he was notified of this outcome by letter on 21 March 2017.

Findings of fact

Our findings of fact are as follows:

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

Whilst employed as a science and geography teacher at George Abbot School between 1 November 2014 and 2 February 2017, you:

- 1. Failed to maintain professional boundaries toward Pupil A, including in that you:**
 - a. met with Pupil A on a 1 – 1 basis at [REDACTED] in Guildford on the evening of 23 September 2016;**

The facts of this particular were admitted by Mr Dale.

The panel set out below the relevant extract from the Statement of Agreed and Disputed Facts ("the Statement"):

5. Mr Dale admits this allegation.
6. Mr Dale has submitted the meeting was entirely coincidental. He advises that he was wandering through the [REDACTED] playing Pokemon Go and ran into Pupil A who said she was waiting for her friends to meet her/pick her up. He submits that as the [REDACTED] has had a history of crime, he waited with Pupil A until others arrived, as it was after dark.

7. In relation to his admission, the TRA submits that the admitted circumstances are inappropriate in that Mr Dale was alone with a pupil on a 1:1 basis, in a [REDACTED] after dark, for an undefined period - during which time Mr Dale neither contacted another person to advise of his concerns in relation to Pupil A being in the [REDACTED] , nor did he seek to make contact with Pupil A's mother to advise her of these concerns at the time, nor did he report to the School the fact of the chance encounter afterwards.
8. Mr Dale accepts that by his conduct admitted in relation to allegation 1.a. that he failed to maintain professional boundaries toward Pupil A.

The panel had considered the accounts provided by Child 1 to 5 which, in turn, were based on what had been said to them by Pupil A. The panel noted that Detective Inspector Harris had described Child 1 to 5 as eloquent and balanced in providing their accounts. The panel did not doubt that Child 1 to 5 had provided as accurate an account as possible of what had been said to them. However, it was necessary for the panel to assess the accuracy of the accounts provided to them by Pupil A. Pupil A had been described by DI Harris as emotional and guarded in what she said. He said that Pupil A was a quiet girl and he did not believe that she had provided a full account. Nevertheless, Pupil A had denied any sort of inappropriate relationship with Mr Dale and that their meeting in [REDACTED] was by chance rather than being planned in advance.

The panel also took into account that, at the material time, Mr Dale lived very close to [REDACTED] and that it was plausible that he would take a [REDACTED]. It was also plausible that, like Pupil A, he would play Pokemon Go when in the [REDACTED] even though he may not have mentioned this until he refers to it in the Statement. However, when interviewed by the Police on 6 October 2016, Individual A referred to a conversation she had with Mr Dale following her return from a Parents' Evening. In that conversation, Mr Dale, "told her that he had been sent home due to a child protection issue, they discussed it and thought it must be something a parent has said. One thing they discussed was him seeing a girl at 8:30 one evening when on his regular "Poke-Walk" in [REDACTED]. He thought it odd the girl was out late on her own."

The panel found, on the balance of probabilities, that the meeting between Pupil A and Mr Dale was by chance and therefore did not find that it was pre-planned.

However, the panel still considered that, having met Pupil A, it was inappropriate for Mr Dale to have remained with her for 40-45 minutes without taking any action in relation to safeguarding. It was unacceptable that Mr Dale failed to report the matter either to a senior member of staff or to Pupil A's parents, particularly as Pupil A was a member of [REDACTED] .

Consequently, the panel found the facts of this particular proved and that such facts represented a failure by Mr Dale to maintain professional boundaries towards Pupil A.

2. Used your personal laptop to search for websites and/or material involving sexual activity with children;

The facts of this allegation were denied by Mr Dale.

The following was the relevant extract from the Statement of Agreed and Disputed Facts:

18. Mr Dale denies this allegation.

19. Despite not bringing any criminal charges against Mr Dale, Surrey Police advised that the circumstances surrounding the allegations remained highly suspicious and raised the following concerns:

a. Mr Dale's personal laptop had been used to search for Pupil A's social media accounts including Instagram and Facebook on 28 May and 8 August 2016. [The internal investigation involved an allegation surrounding Mr Dale using his personal laptop to search for Pupil A's social media accounts including Instagram and Facebook on 28 May and 8 August 2016. When questioned about this allegation, Mr Dale said that students had started to appear on his Facebook and Instagram accounts as 'people you may know'. He said he did not report it as he felt there was nothing to report.]

b. Mr Dale's personal laptop has been used to search for websites/material relating to sexual activity with children.

20. Web searches completed on Mr Dale's laptop revealed a number of searches that were relevant to child protection investigations. Not all of the searches were dated. It is believed that Mr Dale returned to Canada during the summer holidays (August 2016) and therefore some of the searches may have been completed abroad, which raises jurisdiction concerns in relation to criminal offences. Traces of file destruction software were also found on Mr Dale's laptop, including 'File Shredder' and 'EgisTec Shredder'.

21. In his police interview, Mr Dale confirmed ownership of his mobile phones and laptop which had been seized as part of the investigation. When questioned about his web searching/browsing and other people's use of his computer and the dates of his travel to and from Canada, Mr Dale responded 'no comment'.

22. During the School's disciplinary investigation, Mr Dale denied any knowledge of file destruction software. He confirmed that his computer broke down about two years ago and was repaired in Canada and suggested the professionals who carried out the repair could have installed the software.

23. When asked about his inappropriate search history, Mr Dale explained that when he was at university he had a female friend who found pornography hilarious. He cited Jared Subway Spokesman as a comedian in Canada who was arrested for child pornography. He explained that he and his friend conducted a test on his computer to see if they could stumble across images to see if this is what could have happened to Jared. He confirmed he was not looking for pornographic content, it was a research project. Mr Dale acknowledged that there were two dates when inappropriate searches were made on his personal laptop although he believes that the first was in September 2015 and not 2016.

24. Mr Dale submits that he did not intentionally search for websites that involved sexual activity with children. The first encounter was a pop up that was not searched for. He submits he was then concerned the actresses looked very young, so he continued to follow side links to see if he could find the age of those showed. The second occasion it came up most of the websites were the same as he was checking his history, and looked them up to ensure again none of them actually showed any inappropriate photos, which they did not.

25. TRA allege that such searches are highly inappropriate and amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In respect of this allegation, the panel had considered the explanations put forward by Mr Dale in the course of the School's disciplinary process and also in the Statement. It found his explanations were not credible.

The panel noted Mr Dale's suggestion as outlined at paragraph 23 of the Statement. It rejected Mr Dale's suggestion that his search for the sort of websites found on his computer was related to some sort of research project.

Furthermore, this was not restricted to an isolated incident as, when providing an explanation in the course of the disciplinary proceedings conducted by the School, Mr Dale accepted that the searches on these websites had also taken place at a time when he was a teacher. Certain of the websites had been accessed on more than one

occasion and some months had elapsed between the searches. The dates on which the searches had been made were also at a time when he was a teacher at the School.

The panel rejected Mr Dale's submission that he did not intentionally search for websites that involved sexual activity with children. The titles of the websites, which were typed into a search engine by Mr Dale, suggested the contrary to be the case.

Finally, the panel did not accept that Mr Dale did not know how certain file destruction software had come to be installed on his laptop. His suggestion that, when his laptop had broken down some two years before, the person who repaired it had installed such software without telling him was simply implausible.

Consequently, the panel found the facts of this allegation proved to the extent that Mr Dale had used his laptop to search for websites involving sexual activity with children. As no material had been found on his laptop involving sexual activity with children, this part of the allegation was found not proved.

3. Used your personal mobile phone to take and store images relating to school activities.

Mr Dale admitted the facts of this allegation.

The following is the relevant extract from the Statement:

26. Mr Dale admits this allegation and admits to taking pictures of students with his personal mobile phone.

27. When asked about the photographs of students from prom and school trips during the School investigation, Mr Dale explained he had taken them for his use and to send to the trip leader for use within the School. He said that the end of the year had been chaotic with him going on trip after trip which meant the photos which were supposed to be sent off, did not get sent off and he was going to action this during the October half term.

28. When asked how the photos got from his phone to his laptop, Mr Dale explained that they auto-upload. Mr Dale explained that in one of the instances, the School camera broke and another member of staff requested someone's phone for a group form photo. He explained that the photos were well intentioned and they were not for him. Mr Dale accepted he had photographs of pupils on his phone and said he thought they might be good for a display board.

29. Mr Dale submits that taking pictures of students was condoned and done multiple times by others at the School including his [REDACTED] and his [REDACTED] using Mr Dale's own phone to take pictures of particular things relating to the School. Mr Dale submits none of the photos were inappropriate or used for anything other than putting in a file to send to the School at the year's end.

30. TRA allege that such use of a personal mobile phone, and the retention of such images on personal devices is inappropriate and amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

On Mr Dale's own admission, the panel found the facts of this allegation proved. However, the panel had not found Mr Dale's explanation plausible that he had intended to forward them to another member of staff and his intention was to do so in the October 2016 half-term, which would have been just after his arrest on 6 October 2016.

The panel found the following particulars of the allegations against you not proven, for these reasons:

1b. engaged in inappropriate physical conduct with Pupil A, in that you kissed Pupil A;

This particular was denied by Mr Dale.

The following is the relevant extract from the Statement of Agreed and Disputed Facts:

9. Mr Dale denies this allegation.

10. Friends of Pupil A gave details of the events which resulted in these allegations. During the police investigation, five of Pupil A's friends were spoken to. These meetings revealed that Pupil A had disclosed to them that she was in a relationship with an older male, namely [REDACTED] Mr Dale, and that she had met with Mr Dale on 23 September 2016. Pupil A also disclosed to them that on 23 September 2016, during her meeting with Mr Dale, they had kissed but if they had not been interrupted by a friend's phone calls, it would have gone further.

11. Enquiries with one of the five revealed that Pupil A had instigated [REDACTED] at a friend's house in [REDACTED] September 2016 however Pupil A did not attend [REDACTED] that evening with her friend and instead went to meet her 'older boyfriend' for a couple of hours. These friends have been contacted by the TRA to

provide witness statements but have either not responded or have declined to provide a witness statement in respect to these proceedings.

12. The police spoke with Pupil A on three separate occasions during their investigation.

Pupil A stated she did meet with Mr Dale in [REDACTED] in Guildford on 23 September 2016. However, said it had been by chance whilst she had been playing 'Pokemon Go'. She said that they had exchanged pleasantries and went their separate ways. In relation to her friends' comments, Pupil A said that they had misconstrued her comments and insinuated to police that what she had said to her friends was 'banter' which they had believed. Pupil A told police that there has been no contact between her and Mr Dale outside of the [REDACTED] at school.

13. The police investigation states *"there is indication that Aaron may have been drunk on the evening of 23rd September"*, but Mr Dale denies this. The police investigation also details communication records of Mr Dale and Pupil A. In summary, these provide that on Pupil A's phone there was a face shot of Mr Dale. Web searches on Pupil A's phone reveal that on 16 June 2016 a Google search was made for 'Aaron Dale'.

14. WhatsApp messages on Pupil A's phone were considered by the Police – one mentioned Mr Dale between Pupil A and a friend but within the context of school conversation. Mr Dale's phone was also examined – there were no indecent images or direct information relating to Pupil A, apart from one image of a handwritten note – it appeared to be from Pupil A and thanked Mr Dale for being a great [REDACTED].

15. In relation to the police investigation, the police concluded there was insufficient evidence to support criminal charges in relation to Mr Dale contacting or meeting with any student or other child for the purposes of sexual activity or any other inappropriate relationship as both he and Pupil A denied the allegations.

16. Mr Dale submits he did not kiss or have inappropriate physical conduct with Pupil A. He submits he was never in any relationship with Pupil A, other than a professional student-teacher relationship.

17. TRA allege that such physical contact, if found to have taken place, is inappropriate and amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Whilst there was a considerable amount of evidence presented by the TRA which was hearsay, and which described circumstances which went well beyond the facts as alleged in this particular, the allegation was restricted to Mr Dale having kissed Pupil A. It was not specific as to where and when this occurred. The only mention in the entirety of the evidence of Mr Dale having kissed Pupil A was by Child 3. She asserted that this was said to her by Pupil A. None of the other children made reference to Pupil A having told them that Mr Dale had kissed her. In addition, the panel was not able to rely on the evidence of Pupil A as, whilst she may have said this to Child 3, she herself had not confirmed that she had been kissed by Mr Dale.

The panel was not satisfied that the TRA had proven, on the balance of probabilities, that Mr Dale had kissed Pupil A. The panel therefore found the facts of this particular not proved.

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

Having found allegations 1a, 2 and 3 to have been proven, the panel had gone on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Dale in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Dale 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 Dale in respect of allegations 1a and 2 amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In respect of allegation 3, the panel was not satisfied that the conduct of Mr Dale in relation to the facts found proved, involved breaches of the Teachers' Standards which could be described as serious. The panel was satisfied that such conduct was in breach of the School policy but Mr Dale using the camera on his personal phone to take photographs of the School prom and at the end of term could be considered as misconduct but not serious misconduct. The panel had concerns that the photographs had been stored for an unnecessarily long period of time but DI Harris had confirmed that none of the photographs were in any way inappropriate. The panel did not therefore consider that Mr Dale's conduct in respect of allegation 3 fell significantly short of the standards expected of the profession.

The panel had also considered whether Mr Dale's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel had found that Mr Dale had been involved in activity which may have led to him viewing and possessing indecent photographs or images of a child and that this was not isolated to one occurrence.

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 noted that the conduct in relation to the facts found proved in respect of allegations 1a and 2 took place outside of the education setting. In the panel's judgement, Mr Dale's behaviour was: contrary to the Teachers' Standards as outlined above; was relevant to teaching, working with children and working in the education setting; would be likely to have an impact on the safety and security of children, and would be likely to affect public confidence in the teaching profession.

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

The panel had also taken into account how the teaching profession was viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel had 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 were 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 found that Mr Dale's actions also 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 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 was 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 were 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 each of them to be engaged in this case, namely: the protection of pupils and the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Dale, which involves a failure to maintain proper boundaries with a pupil and searching for websites involving sexual activity with children, there is a strong public interest consideration in respect of the protection of pupils given the serious findings not only in respect of shortcomings in relation to safeguarding the welfare of Pupil A but also the fact that Mr Dale sought to search for websites relating to pornography involving children.

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

The panel considers that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Dale was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel has 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 Dale.

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 Dale. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- any activity involving the intention or ability to view, or be in possession of, any indecent photograph or image or pseudo photograph or image of a child.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel has gone 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. In light of the panel's findings, it is satisfied that, in respect of the facts of allegation 1, Mr Dale's omissions to take appropriate safeguarding measures were deliberate. As for the facts of allegation 2, again the conduct and behaviour of Mr Dale was clearly deliberate in searching for the websites containing sexual activity involving children. There is no evidence to suggest that, at any time, Mr Dale was acting under duress.

Whilst there is evidence that, on more than one occasion, Mr Dale had received informal warnings as to his behaviour, such behaviour was not linked to the conduct giving rise to these proceedings. Whilst the panel therefore considered that Mr Dale did have a previously good history, the panel does not accept that the behaviour particularised under allegation 2 was out of character. By his own admission, Mr Dale had searched for similar websites when he was at university.

Further, the panel had not been provided with any references or testimonials as to Mr Dale's character or his ability as a teacher.

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 Dale. The seriousness of the conduct in respect of allegation 2 was a significant factor in forming that opinion together with the basis on which Mr Dale has denied the allegation. 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 them 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes any activity involving viewing or possessing any indecent photograph or image of a child. The panel has found that Mr Dale's behaviour has illustrated that there is a risk that he may take steps to access websites which involve sexual activity with children.

The panel is not satisfied that Mr Dale has shown an acceptable level of insight into his conduct. The panel considers that any reasonable member of the public would find Mr Dale's actions in searching for websites involving sexual activity with children to be totally unacceptable and contrary to the sort of behaviour expected of a teacher.

On Mr Dale's own account, he had searched for such websites when in university. He had then conducted the same activity some years later, and on more than one occasion over a period of months, when employed as a teacher at the School. The panel is concerned that he had arranged for software to be installed, or done so himself, in order to remove evidence of his activities. The panel had found his explanations for not only his conduct in searching for such websites but also the installation of the software to be wholly implausible.

When answering questions in the course of the disciplinary hearing at the School on 30 January 2017, Mr Dale stated that, "He did not link his searches to his career; he did not know where 'the line' defining acceptable/non-acceptable behaviour lay".

Even in his most recent statement dated 6 March 2018, he states, "As for allegation 2, I did not think that my private life could affect my professional career. I never thought the decisions I made with my web browsing could be seen as representation of my character."

Whilst Mr Dale goes on to say that he apologises for his behaviour and now realises that, as a teacher, he should act professionally at all times, the panel is not satisfied that Mr Dale has shown either an appropriate level of insight or genuine remorse. The panel does not accept that Mr Dale truly understands or grasps the gravity of his conduct. The behaviour in searching for such websites is undoubtedly harmful. The panel has also decided that such harmful behaviour resulted from a deep-seated attitude which is wholly inconsistent with that expected of a teacher.

In all the circumstances, the panel considers that there is an unacceptably high risk of repetition of such behaviour. It is not possible to conclude with any degree of confidence that Mr Dale's conduct and attitude are capable of remediation.

The panel's 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 also 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 allegations 1a, 2 and 3 to have been proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has found the facts not proven, I have put these matters from my mind. The panel has made a recommendation to the Secretary of State that Mr Dale should be the subject of a prohibition order, with no review period.

In particular the panel has found that Mr Dale 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 finds that the conduct of Mr Dale where found proven fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of activity which may have led to him viewing and possessing indecent photographs or images of a child.

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 and conduct that may 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 Dale, 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, "failure to maintain proper boundaries with a pupil and searching for websites involving sexual activity with children". A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "The panel is not satisfied that Mr Dale has shown an acceptable level of insight into his conduct." The panel has also commented that, "The panel had found his explanations for not only his conduct in searching for such websites but also the installation of the software to be wholly implausible." In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the safeguarding of pupils in the future. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel considers that any reasonable member of the public would find Mr Dale's actions in searching for websites involving sexual activity with children to be totally unacceptable and contrary to the sort of behaviour expected of a teacher." I am particularly mindful of the finding of activity which may have led to him viewing and possessing indecent photographs or images of a child 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 Dale himself. I note the panel say it, "had not been provided with any references or testimonials as to Mr Dale's character or his ability as a teacher."

A prohibition order would prevent Mr Dale from continuing in the teaching profession. 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 lack of insight or remorse. The panel has said, "Whilst Mr Dale goes on to say that he apologises for his behaviour and now realises that, as a teacher, he should act professionally at all times, the panel is not satisfied that Mr Dale has shown either an appropriate level of insight or genuine remorse. The panel does not accept that Mr Dale truly understands or grasps the gravity of his conduct. The behaviour in searching for such websites is undoubtedly harmful. The panel has also decided that such harmful behaviour resulted from a deep-seated attitude which is wholly inconsistent with that expected of a teacher."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Dale 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 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 no review period.

I have considered the panel's comments "In all the circumstances, the panel considers that there is an unacceptably high risk of repetition of such behaviour. It is not possible to conclude with any degree of confidence that Mr Dale's conduct and attitude are capable of remediation." Furthermore, the Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes any activity involving viewing or possessing any indecent photograph or image of a child. The panel has found, "that Mr Dale's behaviour has illustrated that there is a risk that he may take steps to access websites which involve sexual activity with children."

The panel has also said, “The panel's 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.”

I have considered whether 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 a two year review period, or review period of a longer time, is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the failure to maintain proper boundaries with a pupil and searching for websites involving sexual activity with children and the lack of either insight or remorse.

I consider therefore that no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Aaron Allen Dale 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 Dale 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 Dale 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 black ink, appearing to read 'Dawn Dandy', with a stylized, flowing script.

Decision maker: Dawn Dandy

Date: 10 April 2018

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