



Teaching
Regulation
Agency

Mr Matthew Dawson: Professional conduct panel meeting outcome

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

November 2018

Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	4
Documents	4
Statement of agreed facts	4
D. Decision and reasons	5
Findings of fact	5
Findings as to conviction of a relevant offence	5
Panel's recommendation to the Secretary of State	6
Decision and reasons on behalf of the Secretary of State	8

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

Teacher: Mr Matthew Dawson

Teacher ref number: 0511160

Teacher date of birth: 10 April 1980

TRA reference: 14994

Date of determination: 30 November 2018

Former employer: SWB Academy, Wolverhampton

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 November 2018 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Matthew Dawson.

The panel members were Mrs Mary Speakman (teacher panellist – in the chair), Mr John Pemberton (former teacher panellist) and Ms Shamaila Qureshi (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

In advance of the meeting, the TRA agreed to a request from Mr Dawson that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Dawson provided a signed statement of agreed facts and admitted his conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Dawson or his representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 2 October 2018.

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

On or around 25 August 2016 he was convicted at Wolverhampton Crown Court of the offence of sexual activity with a female aged 13-17 years old, without reasonable belief that she was 18 years old and by abuse of position of trust, contrary to section 16 of the Sexual Offences Act 2003.

Mr Dawson had admitted by way of the Statement of Agreed Facts signed by him on 1 September 2018 that he had been convicted and that the conviction amounted to a conviction of a relevant offence.

C. Summary of evidence

Documents

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

Section 1: Chronology – pages 1

Section 2: Notice of Referral, Response and Notice of Meeting – pages 2 to 6

Section 3: Statement of Agreed Facts and Presenting Officer's Representations – pages 7 to 10

Section 4: Teaching Regulation Agency documents – pages 11 to 38

Section 5: Teacher documents – pages 39 to 55.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Dawson on 1 September 2018.

This confirmed Mr Dawson's admissions that he had conducted a sexual relationship with Pupil A for around 6 months from November 2014. Pupil A was, at the time, a pupil in Mr Dawson's [Redacted] class and aged 17. The statement of agreed facts further confirmed that Mr Dawson had pleaded guilty to sexual activity with a child by abuse of position of trust contrary to section 16 of the Sexual Offences Act 2003 on 25 August 2016 and was sentenced to 12 months imprisonment and ordered to sign on to the Sex Offenders Register for 10 years.

D. Decision and reasons

The panel announced its decision and reasons as follows:

We have carefully considered the case and reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the TRA agreed to a request from Mr Dawson that the allegations be considered without a hearing. We have the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. We did not determine that such a direction is necessary or appropriate in this case.

This is a case in which it was alleged that Mr Dawson had been convicted of a relevant offence, by way of section 16 of the Sexual Offences Act 2003, following a sexual relationship that he had conducted with a [Redacted] pupil for around 6 months from November 2014. The pupil was, at the time, in Mr Dawson's [Redacted] class and aged 17.

Findings of fact

Our findings of fact are as follows:

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

On or around 25 August 2016 you were convicted at Wolverhampton Crown Court of the offence of sexual activity with a female aged 13-17 years old, without reasonable belief that she was 18 years old and by abuse of position of trust, contrary to section 16 of the Sexual Offences Act 2003.

Mr Dawson has accepted by way of the signed statement of agreed facts that he was convicted of the above criminal offence. This is further confirmed by way of the certificate of conviction that appears at page 19 of the bundle.

We accept the conviction as having proved the facts of the case that relate to the conviction, that Mr Dawson conducted a sexual relationship with a 17 year old pupil in his [Redacted] class from November 2014 until April 2015.

Findings as to conviction of a relevant offence

The panel is satisfied that the conduct of Mr Dawson in relation to the facts it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Dawson 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety of pupils.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Dawson'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 Dawson's behaviour has ultimately led to him receiving a sentence of 12 months imprisonment which is indicative of the seriousness of the offence committed. He has also been ordered to sign on to the Sex Offenders Register for a period of 10 years.

This is a case involving an offence of sexual activity with a 17 year old pupil by abuse of position of trust, which the Advice states is likely to be considered a relevant offence.

The panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's 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 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.

In light of the panel's findings against Mr Dawson, which involved his conviction for having conducted a sexual relationship with one of his [Redacted] pupils and subsequent sentence to 12 months imprisonment at Wolverhampton Crown Court, there is a strong public interest consideration in respect of the protection of pupils.

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

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Mr Dawson was outside that which could 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 Dawson.

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 Dawson. 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 education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- the commission of a serious criminal offence, including those that resulted in a conviction, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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.

The teacher did have a previously good history. The panel has also taken into careful consideration the mitigation put forward relating to Mr Dawson's difficulties at the time.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was 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. These behaviours include serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person. The panel has found that Mr Dawson has been responsible for serious sexual misconduct in circumstances of an abuse of his position of trust and is subject to the Sex Offenders notification requirements for 10 years.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and no review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the allegation proven and found that the proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Dawson should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Dawson 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel say, "the behaviour involved in committing the offence could have had an impact on the safety of pupils."

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Dawson, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In light of the panel's findings against Mr Dawson, which involved his conviction for having conducted a sexual relationship with one of his [Redacted] pupils and subsequent sentence to 12 months imprisonment at Wolverhampton Crown Court, there is a strong public interest consideration in respect of the protection of pupils". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on mitigation, which the panel sets out as follows, "The panel has also taken into careful consideration the mitigation put

forward relating to Mr Dawson's difficulties at the time.”.The panel has made no mention of insight or remorse.

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

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Dawson himself. The panel say, “The teacher did have a previously good history.”

A prohibition order would prevent Mr Dawson from continuing that work. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction, to the contribution that Mr Dawson has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision of this nature that is not backed up by full 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 intended aims of a prohibition order.

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

I have considered the panel’s comments “These behaviours include serious sexual misconduct, eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person. The panel has found that Mr Dawson has been responsible for serious sexual misconduct in circumstances of an abuse of his position of trust and is subject to the Sex Offenders notification requirements for 10 years.”

I have considered whether a 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 factors that mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious misconduct found and the abuse of a position of trust.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Matthew 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 allegation found proved against him, I have decided that Mr 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 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.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized, flowing script.

Decision maker: Dawn Dandy

Date: 4 December 2018

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