



Teaching
Regulation
Agency

Mr David Ryan: Professional conduct panel outcome

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

September 2019

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

Teacher: Mr David Ryan

Teacher ref number: 9741405

Teacher date of birth: 22 July 1975

TRA reference: 17209

Date of determination: 11 September 2019

Former employer: John Perryn Primary School ('the School'), London

A. Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 9 September 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr David Ryan.

The panel members were Ms Allison Platts (lay panellist), Mr Geoffrey Penzer (lay panellist – in the chair) and Mrs Fiona Tankard (teacher panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP.

Mr David Ryan was not present and was not represented.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 28 January 2019.

It was alleged that Mr David Ryan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at John Perryn Primary School, London ("the School") he:

1. Whilst on a residential trip for Year 6 pupils of the School in or around May 2017:

a. entered one or more female pupils' dorm/bedroom including:

- (i) whilst pupils were changing;
- (ii) without knocking and/or waiting to enter;
- (iii) without being accompanied by another member of staff;
- (iv) being in the room with the door closed.

b. adjusted Pupil A's safety harness;

c. touched the chest area of a fencing jacket being worn by Pupil B.

2. Made one or more inappropriate comments to and/or in the presence of one or more pupils between approximately 2015 - 2017 including but not limited to words to the effect of:

a. "you have lovely hair"

b. "you have a nice figure"

c. "your butt is mine"

d. "grow a pair"

e. "have you got a semi"

- f. "look at those legs! She's going to be a stunner"
 - g. "If I was a few years younger, the things I would do to her" with reference to a relative of Pupil B and/or asking Pupil B if her relative was single;
 - h. "Good looks run in the family" with reference to Pupil B and her relative;
 - i. "If I brought all the girls I have dated in here, none of them would be white".
3. Made inappropriate physical contact with one or more pupils during the academic year 2016/2017 including but not limited to:
- a. hugging them;
 - b. playing with their hair;
 - c. placing your arm(s) around their shoulder(s);
 - d. holding their hand(s).
4. Made inappropriate use of social media in the academic year 2016/2017 including by:
- a. accessing Pupil B's father's Facebook page and/or commenting about one or more photos you had seen of Pupil B on Facebook;
5. His conduct as may be found proven at Allegations (1) — (4) was sexually motivated.

Whilst Mr Ryan accepted making some of the alleged comments and making inappropriate conduct, in the absence of unequivocal admissions, the panel treated this matter as a contested case both in respect of the facts and also unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application from Mr Perkins to proceed in the absence of Mr Ryan.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") dated 28 January 2019 had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied. The Notice had been sent over eight weeks prior to the start of the hearing and to Mr Ryan's last known address.

The panel went on to consider whether to proceed in Mr Ryan's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel noted Mr Green's legal representative had sent correspondence to the TRA dated 1 March 2019, which enclosed Mr Ryan's response to the Notice of Proceedings. The panel was therefore content that Mr Ryan was aware that the matter had been referred to the TRA.

This correspondence also stated that Mr Ryan would not be attending the (previously listed) hearing, and nor would he be represented.

Whilst the Notice of Hearing had been sent in respect of an earlier adjourned hearing, the panel noted that a relisting letter dated 21 June 2019 had been sent to Mr Ryan, which confirmed the current listing dates.

In addition, the panel had consideration of an email sent by Browne Jacobson LLP from Mr Ryan's legal representative dated 13 August 2019. This email reiterated Mr Ryan's previous position regarding his attendance at the hearing, namely he was not to be in attendance or represented. The correspondence did confirm that Mr Ryan was content for the hearing to proceed.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel has given careful consideration to the fact that Mr Ryan is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

On balance, the panel has decided that the hearing should continue in the absence of Mr Ryan for the following reasons:

- Mr Ryan had not sought an adjournment;
- Although possible health-issues had been alluded to in correspondence dated 1 March 2019, there is no medical evidence before the panel that indicated that Mr Ryan was unfit to attend the hearing due to ill health.
- The panel noted that Mr Ryan's representative, in their email of 13 August 2019, had confirmed that Mr Ryan would not be attending the hearing but was content for it to proceed;
- Mr Ryan's position regarding attending a hearing was consistent between 1 March 2019 to 13 August 2019 and no information had been received to suggest that this position had altered;

- From the correspondence, the panel was satisfied that Mr Ryan was clearly aware of the ongoing hearing, his absence was voluntary and he had waived his right to attend;
- There was no indication that he may attend at a future date such that no purpose would be served by an adjournment;
- The risk of reaching the wrong conclusion and the disadvantage to Mr Ryan in not being present was mitigated by the fact that the panel had before it his representations of March 2019. The panel also considered that the issues in the case were narrow and that the panel could make reasonable enquiries on his behalf;
- There is a public interest in hearings taking place within a reasonable time. The panel also considered that there was also a benefit to Mr Ryan in matters being resolved;
- There is a burden on all professionals who are subject to a regulatory regime to engage with their regulator.
- There are witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

Having decided that it is appropriate to proceed, the panel will strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mr Ryan is not present or represented.

D. Summary of evidence

Documents

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

Section 1: Notice of Proceedings, Response & Relisting letter – pages 2 to 12;

Section 2: Teaching Regulation Agency witness statements – pages 14 to 31;

Section 3: Teaching Regulation Agency documents – pages 33 to 185

Section 4: Teacher documents – pages 187 to 205.

In addition, the panel agreed to accept the following:

- Email from Mr Ryan's representative dated 13 August 2019 as page 12A.

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

Witnesses

The panel heard oral evidence from:

- Witness A, Teacher at the School;
- Witness B, Teaching Assistant at the School;
- Parent B; and
- Pupil B.

All of the above witnesses were called on behalf of the TRA.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Ryan was employed as a teacher at John Perryn Primary School ('the School'). Following a residential away trip in May 2017, a parent of a pupil on the trip raised concerns with the School about comments and physical acts by Mr Ryan. Following this complaint, an investigation was undertaken, which raised earlier, similar issues regarding Mr Ryan's conduct. Mr Ryan subsequently resigned from his position at the School.

Findings of fact

The findings of fact are as follows:

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

1. Whilst on a residential trip for Year 6 pupils of the School in or around May 2017 you:

a. entered one or more female pupils' dorm/bedroom including:

- (i) whilst pupils were changing;**
- (ii) without knocking and/or waiting to enter;**
- (iii) without being accompanied by another member of staff;**

(iv) being in the room with the door closed.

The panel heard live evidence on this allegation from Witness A. Witness A explained that during the 2016/2017 academic year, he was employed by the School as a supply teacher.

In May 2017, Witness A had attended a residential trip for pupils to Dorset ('the Trip') as a supervising teacher. He explained that before the trip, Mr Ryan, who was the Phase Leader for the Trip, had explained to the attending teachers that there were strict guidelines in respect of teachers entering pupils' bedrooms.

Witness A confirmed that the instructions from Mr Ryan, which he understood to have been passed from the Head teacher of the School, were that before entering a bedroom, a teacher was to knock on the bedroom door and wait for permission from the pupils inside to enter before doing so. Witness A explained that a second teacher should always also be present, a precaution that was for the teachers as much as pupils.

Witness A explained that on one occasion during the Trip, he had knocked on a bedroom door, which was opened, approximately by an inch, by Mr Ryan. Witness A said that he heard female voices inside the bedroom and Mr Ryan had said "...*just give me five minutes*" before shutting the door. Witness A stated that he had no time to object to Mr Ryan because of the speed with which the door had been shut.

Witness A said that he had been shocked by Mr Ryan's actions as they were completely contrary to the instructions that he had given before the start of the Trip. He explained that he reported his concerns to another teacher, Individual A, and had later found out that Pupils A and B had been in the bedroom.

In evidence, Witness A confirmed to the panel that each bedroom door could be locked internally although there were three master keys, held by the teachers.

Witness A also explained that there was another school at the same venue for the Trip. He accepted that there had been some animosity between some pupils of the schools and that Pupils A and B had been 'angling' for some sort of incident. This had caused Mr Ryan to speak to the lead teacher of the other school and Witness A accepted that this could have been the reason why Mr Ryan was speaking to the Pupils A and B.

The panel also heard live evidence on this matter from Pupil B. She explained that Mr Ryan would come into the bedroom she was sharing with five other girls without warning and this happened once or twice a day. On one occasion, Mr Ryan had entered the bedroom when Pupil B was not fully dressed, which caused her to run into the bathroom to avoid his seeing her.

Pupil B said that she, and the other pupils, were concerned that Mr Ryan may see them in a state of undress so, if any of the pupils were changing, one would stand by the door in order to block anyone trying to open the door. She said that Mr Ryan would just come in into the bedroom but could not remember whether he knocked or not.

In live evidence, Pupil B reiterated that, during the Trip, Mr Ryan would often be in her bedroom without any other teacher present. Whilst Pupil B could not specifically recall what Mr Ryan would speak about when he was in there, it was general conversation.

Pupil B could not recall an incident when Witness A had knocked on the bedroom door when Mr Ryan had been in there with the door closed but did remember a similar incident when Individual A had knocked.

Pupil B explained in evidence that pupils from a second school had also been present at the same location during the Trip who had been 'getting in their faces' and making fun of Pupil B and her friends. She said that she had told Mr Ryan about the issue and he had told her to ignore them, which had annoyed her at the time as it seemed that the pupils from the other school were 'getting away with it'.

Whilst the panel did not have the benefit of hearing live evidence from Mr Ryan on these particulars of allegation, it did note his response of 26 March 2019 ('the Response'). In the Response, Mr Ryan accepted the rules that had been in place during the Trip regarding teachers entering pupils' bedrooms. He denied that he had ever entered a bedroom unannounced, which he said would not have been possible due to pupils being able to lock the door from the inside.

The Response included an explanation from Mr Ryan that another school's pupils were present at the same venue on the Trip. He stated that there was some animosity between the pupils of the two schools, specifically Pupils A and B from the School. This animosity increased during the time on the Trip and Pupil B had told Mr Ryan to 'do his job', causing him to remove her and Pupil A for a 'time out'. He stated that their standard of behaviour was deteriorating as the Trip went on.

Mr Ryan stated that he later went to Pupil B's bedroom, where Pupil A was also present, in order to speak to them both about their behaviour. Before entering, Mr Ryan stated that he knocked on the locked door, which was opened by Pupil A. Mr Ryan accepted that he then closed the door in order to speak to both pupils in private and that there was no other teacher present. Whilst Mr Ryan was in the bedroom, he stated that Witness A knocked on the door, which Mr Ryan opened briefly and said that he would be out in twenty seconds.

The panel determined that all live witnesses gave evidence in a clear and generally consistent manner, in an effort to assist the panel. Whilst there were some inconsistencies between the TRA's witnesses' accounts, the panel did not consider any of these to be material in its determination of the issues.

Where there was some dispute between the TRA's evidence and that of Mr Ryan, the panel preferred the evidence of those witnesses who had attended to give live evidence and offer themselves open to cross-examination. The panel, therefore, gave more weight to the TRA's evidence than to Mr Ryan's written Response.

On this basis, the panel found all particulars of allegation 1(a) to be proved.

c. touched the chest area of a fencing jacket being worn by Pupil B.

The panel heard live evidence on this allegation from Pupil B. She stated that during the Trip, the pupils and Mr Ryan were taking part in a fencing activity. For protection, the pupils were given a jacket into which breastplates could be inserted.

Pupil B explained that when she had her jacket on, with the breast plates already in place, Mr Ryan had placed his hands on her chest area for no more than two seconds. Pupil B asked Mr Ryan what he was doing and he responded that he "...was just seeing if they were working".

Pupil B said in evidence that she did not see Mr Ryan touch any other pupil in the same way and there had been no 'skin on skin contact'. Pupil B had not reported the touching to anyone but had thought it 'strange' especially when he touched himself in the same way. When questioned, Pupil B was adamant that Mr Ryan had touched her in the manner described.

The panel also heard live evidence on this allegation from Pupil B's mother ('Parent B'). She explained after the Trip, she had been in her car with Pupil B and saw Mr Ryan. At this point, Pupil B had told her that Mr Ryan had touched her in the chest area during the Trip, which had made Pupil B feel uncomfortable.

Parent B could not recall the exact day when Pupil B had told her about what Mr Ryan had done but, from recollection, it was a few days after Pupil B had returned from the Trip. Parent B described Pupil B as being very happy and positive upon her return from the Trip and Parent B had no concerns at the time.

In Mr Ryan's Response, he denied the allegation. He stated that Pupil B had been making suggestive and inappropriate comments with the breast plates and that he had told her to behave herself. Mr Ryan suggested that it was, in fact, Pupil B who had patted her own breast area.

As before, the panel determined that Pupil B gave clear evidence on this allegation and was adamant that Mr Ryan had touched her in the chest area. This was corroborated by the evidence of Parent B, who had been told of the event relatively soon after the incident took place. The panel had no evidence before it as to why Pupil B would fabricate such a story.

As before, the panel preferred the evidence of those witnesses who had attended to give live evidence and be cross-examined. On balance, the panel found this allegation proved.

2. Made one or more inappropriate comments to and/or in the presence of one or more pupils between approximately 2015 - 2017 including but not limited to words to the effect of:

a. "you have lovely hair"

The panel heard live evidence on this allegation from Pupil B, who explained that Mr Ryan would often make comments on her hair. These comments were complimentary and, in evidence, she said that the comments were along the lines of "I really like it".

Pupil B did not describe any specific instances of Mr Ryan making this type of comment, as it was a relatively common occurrence when she was in his class.

The panel also heard live evidence on this allegation from Witness B, who would often work with Mr Ryan. Witness B explained to the panel that Mr Ryan's behavior was often inappropriate in a low-level way and he made jokes to colleagues thinking that he was amusing. The staff would term such jokes 'Davidisms'.

Witness B recalled that, during the 2016/17 academic year, Mr Ryan would touch some pupils' hair and describe it as *"lovely hair"*.

Mr Ryan accepted that he might have said a similar comment to *"you have lovely hair"* but that this was in response to a male pupil who had complimented him on a new haircut.

In the panel's view, Pupil B was clear in her evidence that Mr Ryan had made such a comment to her. In the panel's view, any comment on a pupil's appearance risks crossing the line as to what is appropriate.

On this basis, and in consideration of the fact Mr Ryan accepted this was a type of comment that he would make, as corroborated by Witness B, the panel found this allegation proved.

b. "you have a nice figure"

The panel heard live evidence on this allegation from Pupil B, who explained to the panel that she had overheard Mr Ryan say this to Pupil A whilst on the Trip. Pupil B explained that Mr Ryan had been helping Pupil A into a safety harness at the time of the comment.

Mr Ryan accepted making this comment to Pupil A on the Trip and on at least one earlier occasion. In the Response, he stated that the comment was made to *"...console her and calm her down"* as Pupil A was distressed by comments from Pupil B.

On the basis of the evidence received, this unsolicited comment on a pupil's appearance crossed the line as to what is appropriate, and therefore the panel found this allegation proved.

c. "your butt is mine"

The panel heard live evidence on this matter from Pupil B. She explained that during the fencing activity, Mr Ryan pointed at her and stated *"your butt is mine"*. Pupil B was clear and adamant that this was the specific comment that Mr Ryan made in front of pupils and staff.

Pupil B confirmed that she now understood that there were a number of explanations underlying the comment made but, at the time, it had confused her. She emphatically denied making up the comment.

Mr Ryan denied stating this comment, or similar. He did not *"...know why Pupil B has said that I said it."*

In the panel's view, Pupil B was clear in her recollection of the comment, which was not out of character for Mr Ryan's generally jokey demeanor as reported by a number of witnesses.

The panel preferred the TRA's live evidence to that of Mr Ryan's Response and, on balance, found the allegation proved.

e. "have you got a semi"

The panel heard live evidence on this matter from Witness B. Witness B explained that in the Spring term of 2017, for one class, she was in the TA room that adjoined Mr Ryan's classroom. During this class, Witness B said to the panel that she clearly heard Mr Ryan say, on three occasions, "*you have got a semi there*".

Witness B could not confirm if the comment was made to a male or female pupil but thought the class was undertaking a grammar test so the word 'semi' may have referred to a semi-colon. Witness B was, however, clear that it was Mr Ryan who had said this comment and he was laughing when he did so.

In the Response, Mr Ryan accepted saying this comment to a male pupil. However, he explained the context was that, as part of Geography lesson, houses were being discussed and he was asking the pupil if he lived in a semi-detached house.

Witness B said to the panel that Geography was not a subject generally taught during Year 6 and, when it was, she had no recollection of houses being a subject matter of a lesson.

In the panel's view, by Witness B's evidence and Mr Ryan's admission, the comment was clearly said by him. Because Geography was not a regular subject for a Year 6 class and Witness B describing Mr Ryan as laughing when he said it, it was more likely that the 'semi' comment was an inappropriate innuendo.

The panel therefore found this allegation proved.

g. "If I was a few years younger, the things I would do to her" with reference to a relative of Pupil B and/or asking Pupil B if her relative was single

The panel heard live evidence on this allegation from Pupil B, who confirmed that the actual comment was 'If she was a few years older...'

Pupil B confirmed that this comment had been made by Mr Ryan with regard to her (at the time) 18 year old aunt who was picking her up from School. She explained that the comment had made her feel a 'bit weird' but had not thought much of it at the time as she thought Mr Ryan was 'nice'.

Mr Ryan denied making the comment in part or at all.

The panel first considered whether the amended comment as described by Pupil B was sufficient to amount to words 'to the effect of' in respect of the pleaded particular. Whilst the two comments were different, both comments clearly related to the age-gap between Pupil B's aunt and Mr Ryan, with reference to the 'things he would do to her' were the age gap to be less. The panel was therefore satisfied that the comment described in oral evidence by Pupil B was sufficiently close in meaning to the pleaded comment.

Pupil B was again clear in her evidence that this comment had been said. She liked Mr Ryan and had no motive to create a false account. Again, the panel preferred the TRA's live evidence over the written evidence of Mr Ryan and the comment was clearly inappropriate.

The panel therefore found this allegation proved.

h. "Good looks run in the family" with reference to Pupil B and her relative

The panel heard live evidence on this allegation from Pupil B, who confirmed that Mr Ryan had made this comment having seen Pupil B's aunt when she attended to pick up Pupil B.

Mr Ryan accepted making this comment to Pupil B's aunt and that it was done in a complimentary way although, in hindsight, he accepted that it could be misinterpreted.

On the evidence before the panel, it was clear that Mr Ryan had made the comment. Making reference to the 'good looks' of a pupil to a member of their family crosses a professional boundary and is inappropriate.

The panel therefore found this allegation proved.

i. "If I brought all the girls I have dated in here, none of them would be white".

Pupil B explained in evidence that Mr Ryan had made such a comment on one occasion whilst in class. Pupil B could not recollect the exact scenario that led to the comment but she did not recall that it was in response to pupils asking him about his relationships.

In Mr Ryan's Response, he accepted making the comment on one occasion as a pupil had asked him if he had *"...ever been out with a black woman. In order to steer the conversation away from these racist and unpleasant connotations, I told the student that if I brought all the girls I have dated in here, none of them would be white"*.

Mr Ryan accepted that this was not a *"...sensible thing to say"*.

From the evidence before it, the panel was satisfied that Mr Ryan made the comment. There must be a clear boundary between a teacher and pupils and making reference to personal relationships, even if directly asked, should be avoided by a teacher. Mr Ryan's entering into this discussion was inappropriate.

The panel therefore found this allegation proved.

3. Made inappropriate physical contact with one or more pupils during the academic year 2016/2017 including but not limited to:

b. playing with their hair

The panel heard live evidence on this allegation from Witness B, who explained that she had witnessed Mr Ryan smelling pupils' hair and touching it. She described Mr Ryan as 'flicking it up from behind' and she would witness him doing this two or three times per week, generally to Pupils A and B (and possibly K and I).

Pupil B also gave evidence on this allegation. She stated in live evidence that Mr Ryan would touch her hair and described him as 'fluffing it about'. This always took place in the classroom and Mr Ryan never told her why he was doing it.

In his Response, Mr Ryan denied playing with any pupils' hair but may have touched pupils' hair in order to remove "...strands of eraser rubber".

In the panel's view, the TRA's live evidence was more persuasive than that of Mr Ryan. Both of the TRA's witnesses on this allegation were clear and consistent as to what Mr Ryan had done or what they had witnessed. Playing with a pupil's hair is clearly inappropriate and the panel therefore found this allegation proved.

c. placing your arm(s) around their shoulder(s)

The panel heard live evidence on this allegation from Witness A who explained that he had witnessed Mr Ryan draping his arms across the shoulders of Pupils A and B when he arrived late for a lesson he was meant to be teaching with Witness A.

Witness A said that Mr Ryan had appeared to squeeze Pupil A as her shoulder had 'caved in slightly' from this.

In live evidence, Pupil B did not recollect a specific incident when Mr Ryan had placed his hands on her shoulders but his being in physical contact with her was not unusual. She also explained that she had seen Mr Ryan put his arm around a number of pupils, both boys and girls.

Mr Ryan accepted that, on occasion, he may have placed arms on the shoulders of pupils but only for legitimate, teaching reasons such as when pupils were upset.

The panel was satisfied from the evidence that Mr Ryan had placed his arms around the shoulders of at least one pupil. Physical contact between a teacher and pupil must be minimal and avoided if possible. A teacher purposefully placing his arms on the shoulders of a pupil, with no valid reason to do so, is inappropriate.

The panel therefore found this allegation proved.

d. holding their hand(s).

The panel heard live evidence on this allegation from Pupil B. She explained to the panel that Mr Ryan would often hold one of her hands whilst they were walking and 'swing' arms. Pupil B stated that this would happen quite frequently.

Mr Ryan accepted that, on occasion, he may have held a pupil's hand if they needed help but would always ask for permission before doing so. Such an instance would probably only happen around twice a year.

In the panel's view, Pupil B's evidence was quite clear as to Mr Ryan holding her hand. She was consistent, in both her written and live evidence, that this had happened on a number of occasions. The panel accepted the evidence of Pupil B.

With regard to Pupil B, there appeared no legitimate reason for Mr Ryan to be holding her hand, an act that was inappropriate.

The panel therefore found this allegation proved.

The panel found the following particulars of allegation against you not proved.

1. Whilst on a residential trip for Year 6 pupils of the School in or around May 2017 you:

c. adjusted Pupil A's safety harness

The panel heard live evidence on this matter from Pupil B, who explained that during the Trip, she saw Mr Ryan helping Pupil A put her harness on. Pupil B did not think there was anything unusual in what Mr Ryan was doing.

Mr Ryan accepted adjusting Pupil A's safety harness but that he did so for health and safety.

In the panel's view, there was no evidence that Mr Ryan had done anything more than ensure a pupil's equipment was safe and did not find this allegation proved.

2. Made one or more inappropriate comments to and/or in the presence of one or more pupils between approximately 2015 - 2017 including but not limited to words to the effect of:

d. "grow a pair"

The panel did not hear any direct evidence on this allegation. Pupil B did state in evidence that she had heard other pupils making reference to Mr Ryan making comments similar to that in the allegation but she had not herself heard him say that.

Mr Ryan denied making such a comment.

In the absence of any direct evidence on this allegation, the panel did not determine the hearsay evidence to be sufficient for the TRA to have discharged its burden so therefore found this allegation not proved.

f. "look at those legs! She's going to be a stunner"

The panel heard live evidence on this allegation from Witness A who stated that this comment had been made to him by Mr Ryan as Pupil A ran past. Witness A said he clearly recalled the comment as it left him 'open mouthed' but also accepted he did not raise an issue of concern with anyone else at the time.

Mr Ryan accepted that he said the first part of the comment, in respect of Pupil A's running prowess. He denied making the comment about the pupil being a stunner.

On balance, the panel preferred the live evidence of Witness A to that of Mr Ryan as to whether the comment was made. However, the panel also noted that this appeared to be a throw-away comment by Mr Ryan to another teacher and, on balance, had not

crossed the threshold of being inappropriate. The panel therefore did not find this allegation proved.

3. Made inappropriate physical contact with one or more pupils during the academic year 2016/2017 including but not limited to:

a. hugging them

The panel heard live evidence on this allegation from Witness A who explained that he had witnessed Mr Ryan draping his arms across the shoulders of Pupils A and B. Witness A said that Mr Ryan had appeared to squeeze Pupil A as her shoulder had 'caved in slightly' from this.

Mr Ryan accepted that he may have hugged a child in order to console them if upset.

In the panel's view, whilst there had clearly been touching by Mr Ryan of pupils, there was insufficient evidence put forward by the TRA that this had amounted to hugging.

The panel did not, therefore, find this allegation proved.

4. Made inappropriate use of social media in the academic year 2016/2017 including by:

a. accessing Pupil B's father's Facebook page and/or commenting about one or more photos you had seen of Pupil B on Facebook

The panel heard live evidence on this matter from Parent B who explained that at a parents' evening, she, along with her partner ('Father B'), had spoken to Mr Ryan in a corridor of the School. During this conversation, Mr Ryan had said that he had seen a photo on Father B's Facebook page of Pupil B and Mr Ryan commented that he 'felt sorry for any boyfriends' of Pupil B.

Parent B took Mr Ryan's reference to be referring to an old photo of Father B and Pupil B, which had been posted onto Facebook on 4 July 2016, under which Father B had written a 'set of rules' that any future boyfriends of Pupil B would have to adhere to.

Parent B was concerned about Mr Ryan accessing Father B's Facebook page. However, she accepted that it was open to the public and had no privacy settings restricting access to it. She explained that she felt Mr Ryan's conduct was odd as her partner posted a lot of photos on Facebook so Mr Ryan would have had to spend some time on the Facebook page to see the specific photo.

Parent B accepted that, at the time of the conversation, she would have laughed it off but had never felt comfortable with Mr Ryan's comment, which she found to be inappropriate.

The panel also heard evidence from Witness B, who explained that she had heard Mr Ryan make comments on becoming Facebook friends in due course to parents at a parents' evening. Witness B could not specifically recall to whom Mr Ryan was speaking but thought it may have been the parents of Pupil A.

Mr Ryan denied making the comment to Pupil B's parents. He stated that he did not have a Facebook account.

The panel was satisfied on the evidence that Mr Ryan had accessed Father B's Facebook page and that he had made the comments to Parent B and Father B. However, the TRA had not presented sufficient evidence as to why Mr Ryan's access to a public webpage, with no restrictions as to who could look at the information on the webpage, had been inappropriate in the first instance.

The panel considered whether it would be appropriate to amend the allegation but, at this stage of proceedings and with Mr Ryan denying the allegation, the panel did not consider it would be in the interests of justice to do so.

On the basis of the wording of the allegation, the panel did not find this allegation proved.

5. Your conduct as may be found proven at Allegations (1) — (4) was sexually motivated.

The panel determined that there were clear concerns about Mr Ryan's behaviour, which was clearly inappropriate on a number of occasions.

The panel noted that all of the incidents in question took place in the presence of others, either pupils or other adults, and that whilst there were a number of incidents involving Pupil B, these were sporadic over a relatively lengthy period and there appeared to be no escalation in the seriousness of the behaviour.

The panel did not doubt that Mr Ryan's actions and comments were crass and juvenile. There also appeared to be some sexual innuendo in his comments. Whilst there was also a suspicion that Mr Ryan may have derived some gratification from his behaviour, the panel also considered that this did not necessarily amount to a sexual gratification either in an immediate or future sense.

In the absence of anything inherently sexual as to any of Mr Ryan's actions, the panel did not consider the circumstances surrounding the events to be sufficient to infer that he was sexually motivated for any of the proven allegations at 1 to 3. On this basis, the panel does not find this allegation proved.

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

Having found a number of the allegations proven, the panel went 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 had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mr Ryan, in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Mr Ryan 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, and maintain high standards in their own attendance and punctuality.
- 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 Ryan amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. On a number of occasions over a lengthy period of time, Mr Ryan had made inappropriate comments and crossed unambiguous boundaries on physical contact, all of which raised concerns as to his conduct.

The panel also considered whether Mr Ryan's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice and the panel found that none of these offences was relevant.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

Having found the majority of facts of particulars 1 to 3 proven, the panel further found that Mr Ryan's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to

consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the protection of pupils;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct; and
- the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Ryan, which involved his making a number of inappropriate, juvenile comments to pupils as well as crossing professional boundaries in terms of physical contact with some pupils, there was a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ryan were not treated with the utmost seriousness when regulating the conduct of the profession, especially with regard to his entering pupils' bedrooms on the Trip.

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

The panel decided that there was a public interest consideration in retaining Mr Ryan in the profession, since no doubt had been cast upon his abilities as a teacher.

In view of the 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 Ryan.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of and against prohibition as well as the interests of Mr Ryan. 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, that which is relevant in this case is:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

Even though some of the behaviour found proven in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be not appropriate or proportionate.

In the light of the panel's findings, there was no evidence that Mr Ryan's actions were not deliberate or that he was acting under duress. Mr Ryan did, however, have a previously good history.

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

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Ryan.

The panel accepted Mr Ryan's conduct demonstrated crass stupidity as opposed to anything more sinister. Nevertheless, it was also a lengthy pattern of behaviour that indicated a large number of serious misjudgements in his behaviour and relationships with pupils and, to some extent, their families.

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

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period and the panel found that none of these behaviours to be present.

The panel did not have the benefit of evidence of any particular insight on behalf of Mr Ryan although the panel did note some limited remorse offered on some allegations, which could indicate a suggestion of some insight.

The panel also accepted that the proven conduct, whilst serious, was towards the lower end of the spectrum and was remediable in time. There was also no evidence of any lasting harm to any of the pupils subject to Mr Ryan's conduct or comments.

The panel did have consideration to the fact that the concerns regarding Mr Ryan's behaviour had not been raised with him by the School, so he had not had the opportunity, whilst employed by the School, to evidence any remediation.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after two years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some 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 this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr David Ryan should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Ryan 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also satisfied that the conduct of Mr Ryan “amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct 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 Ryan, 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 that Mr Ryan’s behaviour, “involved his making a number of inappropriate, juvenile comments to pupils as well as crossing professional boundaries in terms of physical contact with some pupils”. A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “it did not have the benefit of evidence of any particular insight on behalf of Mr Ryan although the panel did note some limited remorse offered on some allegations, which could indicate a suggestion of some insight.”

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. 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 it, “considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ryan were not treated with the utmost seriousness when regulating the conduct of the profession, especially with regard to his entering pupils' bedrooms on the Trip.”

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

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Ryan himself. The panel comment, “Mr Ryan did, however, have a previously good history.”

A prohibition order would prevent Mr Ryan from teaching and 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 full insight or remorse. The panel has also said, “Mr Ryan's conduct demonstrated crass stupidity as opposed to anything more sinister. Nevertheless, it was also a lengthy pattern of behaviour that indicated a large number of serious misjudgements in his behaviour and relationships with pupils and, to some extent, their families.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Ryan has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, 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 a 2 year review period.

I have considered the panel's comments, “the proven conduct, whilst serious, was towards the lower end of the spectrum and was remediable in time. There was also no evidence of any lasting harm to any of the pupils subject to Mr Ryan's conduct or comments.

The panel did have consideration to the fact that the concerns regarding Mr Ryan's behaviour had not been raised with him by the School, so he had not had the opportunity, whilst employed by the School, to evidence any remediation.”

I consider therefore that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr David Ryan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 23 September 2021, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr David Ryan remains prohibited from teaching indefinitely.

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

Mr David Ryan 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 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 13 September 2019

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