



National College for
Teaching & Leadership

Mr David Kingston: Professional conduct panel outcome

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

June 2016

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

Teacher:	Mr David Alister Kingston
Teacher ref number:	9938594
Teacher date of birth:	2 March 1978
NCTL case reference:	13421
Date of determination:	4 May 2016 and 13 June 2016
Former employer:	St Lawrence Roman Catholic Primary School, London Borough of Hounslow

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 3 to 4 May 2016 and 13 June 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr David Alister Kingston.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Ms Kathy Thomson (teacher panellist) and Professor Janet Draper (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds LLP.

The presenting officer for the National College was Ms Julia Faure Walker of counsel instructed by Nabarro LLP.

Mr David Kingston was present and was represented by Mr Stuart Brady of counsel instructed by the National Union of Teachers of the London Region.

The hearing took place in public and was recorded, apart from those elements in accordance with the panel’s decision at Section C below.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 19 November 2015.

It is alleged that Mr David Kingston is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed at St Lawrence Roman Catholic Primary School, he:

1. Engaged in online chat in a website forum in which he:
 - a. Communicated that he had a sexual interest in children aged four
 - b. Communicated that he liked the thought of a child's hands and lips on his penis
 - c. Indicated that he wanted to communicate with a user of the forum again after they had expressed a sexual interest in children
2. Searched for on the internet and/or viewed images of sexual activity between a person and an animal on one or more occasion
3. His conduct set out at paragraphs 1a and/or 1b and/or 1c and/or 2 above was sexually motivated

The above allegations are not admitted.

C. Preliminary applications

Admission of Documents

The teacher's representative made an application to admit into the evidence the following documents:

1. Letter from Individual A dated 04 April 2016
2. Letter from Individual A dated 18 April 2016

The teacher's representative made the following submissions in respect of each of document:

1. The document will assist the panel in determining an application to be made in due course, requesting that the hearing be held in private. The document provides probative evidence that will assist the panel in reaching its decision when determining the second application
2. This letter responds to an issue raised by the NCTL, who asserts in reaching his opinion Individual A has not had sight of specific documentary evidence. Having considered the evidence, Individual A provides an updated opinion in the form of the

letter dated 18 April 2016. It was submitted that it would be fair, in all the circumstances, for the panel to be presented with the letter which furthers the original opinion of Individual A

The presenting officer had no objections to the inclusion of item 1; she did, however, raise objections to the inclusion of item 2. The objections raised were on the grounds that Individual A goes beyond the realms of their expertise in opining on the matters which form the basis of their second letter. Furthermore, it was submitted that the additional documentation would not add any value in assisting the panel to reach its determination.

The panel had regard to paragraph 4.18 of the Procedures which provides the “*panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*”. In view of the nature and seriousness of the allegations, the panel held that the documents were relevant and would assist in determining the allegations raised. Furthermore, the panel considered the need for fairness. The panel is comprised of experienced members, who will accordingly afford the documents the appropriate weight in due course.

The panel was minded to exercise its discretion and admit both letters.

In addition, the panel exercised its discretion and agreed to admit the final page of the second statement of Individual B, which appeared to have been omitted from the bundle due to a copying error.

Application to Exclude the Public

The panel has considered whether to exercise its discretion under paragraph 11 of the Teachers’ Disciplinary (England) Regulations 2012 (the “Regulations”) and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the “Procedures”) to exclude the public from all or part of the hearing. This follows a request by the teacher that the hearing should be held in private.

The panel has determined not to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel has noted that there are concerns about the possible impact upon the teacher’s health with such matters being placed in the public domain, something which all claimants, defendants and witnesses endure in all hearings. The panel has taken account of the letters received from Individual A who is involved in the care of the teacher which expressed an opinion that the public should be excluded from the hearing and also the two statements from the teacher’s partner. The panel has balanced the reasons why the

teacher has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel notes that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel has therefore considered whether there are any steps short of excluding the public that would serve the purpose of alleviating the teacher's concerns, and considers that to the extent it becomes necessary during the course of the hearing to discuss matters pertaining to issues of particular sensitivity including those relating to Mr Kingston's health and history. The panel can consider at that stage whether to exclude the public from that portion of the hearing only.

D. Summary of evidence

Documents

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

Section 1: Chronology – pages 2 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 11

Section 3: NCTL witness statements – pages 13 to 17

Section 4: NCTL documents – pages 19 to 61

Section 5: Teacher documents – pages 63 to 79

In addition, the panel agreed to exercise its discretion afforded by the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession and admit the following documents into the evidence:

Section 6: Letters from Individual A – pages 80 to 82

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

Witnesses

The panel heard oral evidence from:

Witness A Witness for National College

Mr David Kingston Former Teacher

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Kingston had been employed at St Lawrence Roman Catholic Primary School from November 2002. Initially, he taught a range of year groups. Following a short break from teaching, Mr Kingston returned as a year 6 teacher. He became assistant head teacher in January 2013 whilst maintaining a full teaching timetable.

On 29 October 2013, it is alleged that Mr Kingston engaged in an online chat of a sexual nature with another user. On 14 March 2014, the head teacher of St Lawrence Roman Catholic Primary School was notified by the LADO that Mr Kingston was under police investigation. Mr Kingston was suspended the same day.

Following the conclusion of the police investigation, on 18 September 2014, it was confirmed that Mr Kingston would not be charged by the police. The same day, Mr Kingston offered his resignation with immediate effect.

On 2 October 2014, a police report stated that an online profile used by Mr Kingston had engaged in online chat with another user in which it was stated the user had a sexual interest in children aged four. A disciplinary hearing took place on 20 November 2014 and the disciplinary panel determined to accept Mr Kingston's offer of resignation.

Findings of fact

Our findings of fact are as follows:

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that you:

2. Searched for on the internet and/or viewed images of sexual activity between a person and an animal on one or more occasion

Mr Kingston admits having viewed images depicting bestiality but denied having searched for such images.

At page 24, it is noted that Mr Kingston "searched and viewed bestiality images". In his oral evidence, Mr Kingston explained that during questioning the police did not draw a distinction between searching and viewing such images. At page 42, Mr Kingston

explained that it was his “sexual partner” at the time who searched for such material and not him, stating that, “I did not actively access these images, but simply tolerated them upon being shown to me”. Evidence from Mr Kingston’s third statement (page 66) was contrary to this and said, “we [he and his sexual partner at the time] would search for pornography involving bestiality”. Mr Kingston explained, in his oral evidence, that the use of the term “we” was an oversight on his part. The panel also noted that Mr Kingston himself stated that he “simply went along with it” (page 66).

The panel was minded to determine that Mr Kingston had been a passive participant in the search for images involving bestiality. Having considered all the evidence, and on the balance of probabilities, the panel believed that the allegation, involving the searching and viewing of images of bestiality, was more likely than not to have occurred. This allegation was therefore proven.

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that you:

1. Engaged in online chat in a website forum in which you:

- a. Communicated that you had a sexual interest in children aged four**
- b. Communicated that you liked the thought of having a child’s hands and lips on your penis**
- c. Indicated that you wanted to communicate with a user of the forum again after they had expressed a sexual interest in children**

These allegations are denied by Mr Kingston.

The panel considered the documentary evidence at pages 20 to 22 of the hearing bundle which presented the contents of the online communication that formed the basis of these allegations.

The panel noted Mr Kingston’s admission, both in the documentary evidence (pages 32 to 33) and in his oral evidence, that the online profile belonged to him. Despite accepting that the user profile belonged to him, Mr Kingston did not recall engaging in the online chat (pages 37, 47 to 48 and 66) and in the course of his oral evidence, robustly denied authoring the posts.

In his oral evidence, Mr Kingston explained that he began using the online forum in order to communicate with a specific individual. This individual was aware of the username and password to access to this user profile because he helped Mr Kingston set up the account. In or around 29 October 2013, this individual visited Mr Kingston at his home

address more than once although Mr Kingston cannot be certain that it was on the date of the online chat set out at pages 20 to 22. Mr Kingston believed that this individual may have engaged in this chat on Mr Kingston's laptop during one of his visits.

The panel noted evidence to the contrary whereby Mr Kingston confirmed that he regularly engaged in online chats (page 65) and (pages 24 to 26). Mr Kingston is recorded as saying in the police interview record words to the effect of he got so drunk that he had no idea what he was doing. Later, in the same document, Mr Kingston is recorded as saying that he "can remember chatting in a rude way but cannot recall details". However, in his oral evidence, Mr Kingston emphatically stated that regardless of the amount of drink, there are certain things that he would never do, as they would go against his "internalised values".

The panel noted that Mr Kingston has had several opportunities to address these specific allegations. The panel notes that Mr Kingston has presented three detailed, and at times forensic statements addressing the allegations. At no stage has he put forward the alternative explanation presented to the panel, alleging that another individual accessed his profile and engaged in the online chat. However, the panel notes that Mr Kingston said that he only became aware of the date of the chat a few weeks before he prepared his final statement, and this explains why he failed to mention it during his police interview and at the disciplinary investigation. Furthermore, the panel notes that Mr Kingston did not wish to outline the nature of his personal liaisons as it would have an impact on his relationship with his partner.

The panel found the oral evidence of Mr Kingston to be credible, honest and consistent. The evidence did not appear to be exaggerated in any way. The panel believes that the explanation proffered by Mr Kingston is consistent with his general nature and demeanour. Furthermore, the panel notes that Mr Kingston has been described as "naïve" when it comes to the use of technology.

The panel accepts that a user, employing Mr Kingston's user profile name, did post the comments presented before the panel at pages 20 to 22. However, it is unclear from the evidence presented whether Mr Kingston was the author of the posts. Therefore, given the uncertainties raised by the oral evidence, coupled with the robust denials from Mr Kingston, the panel finds that on the balance of probabilities this allegation has not been proven and the National College has failed to discharge its burden of proof in showing that these facts are more likely than not to have occurred. Therefore, the panel does not find these allegations proven.

3. Your conduct set out at paragraphs 1a and/or 1b and/or 1c and/or 2 above was sexually motivated

Having reviewed all the evidence, the panel does not find allegations 1a, 1b, and 1c proved on the facts. Accordingly, the panel did not go on to consider whether, in respect

of these allegations, Mr Kingston's conduct was sexually motivated, as it was not required to do so.

Turning to allegation 2, the panel considered the two stage test for sexual motivation – firstly, whether a reasonable person would think that words and/or actions could be sexual and secondly, whether the purpose of such words and/or actions was sexual in all the circumstances of the case.

Following a detailed discussion regarding the test to be applied for a finding of sexual motivation and upon consideration of the evidence, the panel decided it was satisfied that Mr Kingston's actions could be viewed by a reasonable person as sexually motivated. In reaching its decision, the panel noted the very nature of the images would suffice to satisfy this element of the test. Turning to the second limb, whether in all the circumstances of the conduct in the case, the purpose of such actions was sexual on Mr Kingston's part. Such activities were undertaken in conjunction with another person, for that person's sexual gratification, and not for Mr Kingston's own sexual gratification. The panel was not satisfied that Mr Kingston's actions could be viewed as sexually motivated. Therefore, panel have found this allegation not proven.

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

Having found one of the allegations proven, the panel has gone on to consider whether the facts of the proven allegation amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In considering the allegation that the panel has found proven, the panel has had regards to the Teacher Misconduct – The Prohibition of Teachers advice, which we refer to as the 'Advice'.

The panel noted that unacceptable professional conduct is defined in the Advice as misconduct of a serious nature, falling short of the standard of behaviour expected of a teacher. The panel was satisfied that Mr Kingston's conduct was of a serious nature, falling short of the standard to be expected. However, it noted that misconduct outside of the education setting will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way. The panel noted that the facts surrounding allegation 2 did not impact the manner in which Mr Kingston fulfilled his role as a teacher, as demonstrated by the evidence of Witness A. Furthermore, as the underlying facts took place outside the school, and there was no question that they had any impact on his behaviour as a teacher in school, therefore, the panel did not consider that it would lead to pupils being exposed to or influenced by the behaviour in a harmful way.

Accordingly, the panel is not satisfied that Mr Kingston is guilty of unacceptable professional conduct.

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

The underlying facts of the proven allegation are serious and the conduct displayed would have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Kingston's actions constitute conduct that may bring the profession into disrepute.

The panel has also considered whether Mr Kingston's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

Recommencement on 13 June 2016

The panel reconvened on 13 June 2016 to consider Stage 3, having announced its decision on Stages 1 and 2 on 4 May 2016, during which there was insufficient time to consider its recommendation to the Secretary of State. Before doing so, it was necessary for the panel to receive legal advice from the legal advisor prior to determining sanction. The advice is to be delivered before all parties, however, only the presenting officer was present, attending by telephone. The teacher, Mr Kingston, and his representative, Mr Brady, were not in attendance. Before proceeding with the hearing, the panel considered whether or not it would be appropriate to proceed in the absence of the teacher and his representative.

Decision on Proceeding in Absence

The panel has considered whether this hearing should continue in the absence of the teacher and his representative in relation to Stage 3.

The panel is satisfied that the National College has taken all steps available to it to contact the teacher's representative to notify them of the hearing. It understands that the email correspondence was sent from the National College to the NUT on 26 May, 1 June and 6 June 2016, to which the National College received no response and to the teacher's NUT appointed Counsel today where he stated he was unable to attend.

The panel has determined to exercise its discretion under Paragraph 4.28 of the Procedures to proceed with the hearing in the absence of the teacher and his representative.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel notes that the hearing date and time were agreed when they concluded Stage 2 of the hearing on 4 May 2016; the teacher and his Counsel were present when the date and time were set, albeit it was understood at the time that neither the Presenting Officer or teacher's representative would be required to attend. However, the panel understands that the National College sought to contact the teacher's representative at the NUT to confirm attendance and indeed the National College went so far as to contact Counsel appointed on behalf of the NUT in an attempt to confirm attendance. It was only on the morning of the hearing that the National College received notification from the teacher's Counsel that they were unable to attend and that they proposed to make an application seeking an adjournment. At the time the hearing commenced, the panel notes that it received a request for an adjournment, some 10 minutes before the hearing commenced, and without any reasons for that request. The panel therefore considered that the teacher and his representative had knowledge of when and where the hearing was due to take place.

The panel has also had regard to the Court of Appeal decision in the recent case of *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162. In considering the question of fairness, the panel notes that the Court of Appeal stated that the fair, economical, expeditious and efficient disposal of allegations against practitioners is of very real importance, set against the context of the regulator's objectives. In the case of these type of proceedings, the objective is apparent from the guidance which refers to the protection of pupils and the maintenance of public confidence in the profession.

The panel has also had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

The panel has had regard to the extent of the disadvantage to the teacher in not being able to participate today. The teacher has had an opportunity to participate fully in the hearing to date, in respect of Stages 1 and 2 of the hearing. The panel is now at Stage 3 of the hearing and the teacher has provided written submissions on mitigation for the panel to consider and therefore it has the benefit of those submissions. The panel will today only hear advice on sanction before retiring into private session to deliberate on the same. The panel notes that there is no further evidence to be deduced or considered at this stage beyond the written submissions supplied by the parties.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the stage of proceedings, by taking such measures referred to above to address that unfairness insofar as is possible, and taking account of the inconvenience an adjournment would cause to the parties, on balance,

these are serious allegations, and the public interest in this hearing proceeding within a reasonable time, is in favour of this hearing continuing today.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of 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 is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Kingston, which involved searching for and viewing images, there is a strong public interest consideration in declaring proper standards of conduct in the profession. The conduct found against Mr Kingston could be seen to be outside that which could reasonably be tolerated. Similarly, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Kingston were not considered seriously when regulating the conduct of the profession.

However, the panel noted this is not a case giving rise to the need to protect members of the public. Equally, the panel's findings against Mr Kingston were limited to a single allegation which involved Mr Kingston searching for and viewing certain images in the privacy of his own home or that of his companion at the time, and they found that he was a passive participant in the search. Given the narrow nature of this allegation, this is not a case where there is a strong public interest consideration in respect of the protection of pupils, particularly as there has been no evidence that this activity impacted on Mr Kingston's ability as a teacher or led to pupils being exposed to harmful behaviour.

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 Kingston and the profession as a whole.

In carrying out the balancing exercise the panel has considered the public interest considerations in favour of, and against, prohibition as well as the interests of Mr Kingston. 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. The panel

considered the list of such behaviours, and did not find any to be relevant in this case. In doing so, it wished to note the following:

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

The panel found that Mr Kingston's conduct, whilst ill-advised, did not involve a serious departure from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed above.

- a deep-seated attitude that leads to harmful behaviour

The panel considered that Mr Kingston showed insight in relation to the single allegation the panel has found proven. In particular, the panel found him to be an honest and credible witness. The panel accepted that there was no evidence of a pattern of this type of behaviour. In fact, they noted that he was a passive participant in searching for and viewing such images on another individual's computer, whilst at that person's house; there was no evidence arising from the police search to suggest Mr Kingston searched for or viewed such images on his own devices. Mr Kingston now clearly recognises he should have been more assertive in objecting to such behaviour at that time and has subsequently sought professional assistance to address this.

The panel then 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. In particular:

- the panel considered whether or not Mr Kingston's actions were deliberate. The panel accepted the evidence that he acted as a passive participant in searching for and viewing the images
- there was no evidence to suggest that the teacher was acting under duress
- the teacher has a previously good record as a highly regarded teacher and the panel accepts that the underlying facts did not have an impact on Mr Kingston's behaviour as a teacher. The panel also noted the evidence before it that Mr Kingston was an effective teacher and drew upon the testimonies provided in the written statements and oral evidence of Witness A who testified to his strengths
- the panel noted that, in his role as a teacher, Mr Kingston had not been subject to any disciplinary proceedings or similar, prior to the events underlying these allegations
- the panel noted that the incident did not involve any pupils or a risk to those pupils

The panel acknowledged that Mr Kingston was proactive in seeking professional help in dealing with underlying personal issues. It was evident that Mr Kingston has made

significant progress in overcoming the emotional turmoil that he experienced during the period covered by the allegation. It was clear to the panel that Mr Kingston has shown a great deal of remorse for his behaviour during this period of his life and insight into his need to be more assertive.

In light of the above, the panel is not of the view that prohibition would be a proportionate and appropriate response. Given that his behaviour was at the less serious end of the scale and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order is not appropriate in this case.

Decision and reasons on behalf of the Secretary of State

I have considered very carefully the findings and recommendations of the panel in this case. The panel has found one allegation proven. Where the panel has made no such findings I have put these from my mind.

The panel finds Mr Kingston guilty of conduct that may bring the profession into disrepute.

I have considered the particular public interest considerations, and I agree with the panel that the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct are relevant in this case.

I note that the panel's findings against Mr Kingston involved searching for and viewing images, and I agree there is a strong public interest consideration in declaring proper standards of conduct in the profession. I agree that the conduct found against Mr Kingston could be seen to be outside of that which could reasonably be tolerated.

I note the panel considers that this is not a case giving rise to the need to protect members of the public, and the panel's findings against Mr Kingston were limited to a single allegation. I note the panel is of the view that this is not a case where there is a strong public consideration in respect of the protection of pupils.

I note that 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 this case, the panel is of the view that no such behaviours are relevant. However, the panel did note that Mr Kingston's conduct, whilst ill-advised, did not involve a serious departure from the personal and professional conduct elements of the Teachers' Standards. The panel also considered that Mr Kingston showed insight in relation to the single allegation the panel has found proven

I have noted the panel's consideration of the public interest in this case, and that the panel has considered the public interest both in favour of and against prohibition, as well as the interests of Mr Kingston. I note that the panel accepted evidence that Mr Kingston

acted as a passive participant in searching for and viewing the images. There was no evidence that he was acting under duress.

Having found Mr Kingston guilty of conduct that may bring the profession into disrepute, the panel has acknowledged that this by its very nature is a serious finding. However, I note the panel considers Mr Kingston's behaviour to be at the lower end of the scale. The panel is of the view that prohibition is not appropriate in this case.

I differ in my view from that of the panel.

I believe that the panel has not taken sufficient account of the public concern that would arise, and that public confidence in the profession could be seriously weakened, if the conduct found proved in this case was not treated with the utmost seriousness. In addition, I am not sure that the panel has given sufficient weight to the public interest consideration in relation to the necessity to uphold proper standards of conduct in the teaching profession. I consider that the panel has given undue weight to the insight of Mr Kingston and the fact that this was a single and isolated incident. Mr Kingston searched and viewed bestiality images.

For the reasons set out above, my view is that prohibition is both proportionate and appropriate.

I now turn to the matter of a review period. I note that the panel acknowledged that Mr Kingston was proactive in seeking professional help in dealing with underlying personal issues, and that he has shown a great deal of remorse for his behaviour during this period of his life, and insight into his need to be more assertive.

I consider that it would be against the public interest to deprive the profession permanently of a teacher who has a previously good record as a highly regarded teacher. I also note that the panel accepts that the underlying facts did not have an impact on Mr Kingston's behaviour as a teacher. I consider that Mr Kingston should have the opportunity to re-enter the profession in the future, having reflected on his actions.

I consider a review period of two years to be both proportionate and appropriate in this case.

This means that Mr David Kingston 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 28 June 2018, 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 Kingston remains prohibited from teaching indefinitely.

Handwritten signature of Alan Meyrick in grey ink.

Decision maker: Alan Meyrick

Date: 17 June 2016

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