



National College for
Teaching & Leadership

Mr Daniel Marsh: Professional Conduct Panel outcome

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

May 2014

Contents

A. Introduction	3
B. Allegations	3
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Statement of Agreed Facts	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	10

Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Daniel Marsh
Teacher ref no:	7471384
Teacher date of birth:	12 February 1956
NCTL Case ref no:	10198
Date of Determination:	30 May 2014
Former employer:	Blandford St Mary School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 30 May 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Daniel Marsh.

The Panel members were Mr Jake Greenwood, (Lay Panellist – in the Chair), Mr Mark Tweedle, (Teacher Panellist) and Cllr Gail Goodman (Teacher Panellist).

The Legal Adviser to the Panel was Eve Piffaretti of Morgan Cole LLP Solicitors.

The meeting took place in private. The decision and reasons were announced in public and were recorded.

B Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 15 May 2014, as amended dated 23 May 2014.

It was alleged that Mr Daniel Marsh was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

Whilst employed at Blandford St Mary School, he was conditionally discharged from Dorset Magistrates Court on 26 March 2013 for

- 1. Offence: Battery on 01/11/11-30/11/11
Particulars: Assault by beating
Court: West Dorset Magistrates Court; 26/03/13
Sentence: Conditional Discharge 18 months;**

2. **Offence: Battery on 01/11/11-30/11/11**
Particulars: Assault by beating
Court: West Dorset Magistrates Court; 26/03/13
Sentence: Conditional Discharge 18 months
3. **Offence: Battery on 01/11/11-30/11/11**
Particulars: Assault by beating
Court: West Dorset Magistrates Court; 26/03/13
Sentence: Conditional Discharge 18 months
4. **Offence: Battery on 01/11/11-30/11/11**
Particulars: Assault by beating
Court: West Dorset Magistrates Court; 26/03/13
Sentence: Conditional Discharge 18 months
5. **Offence: Battery on 01/11/11-30/11/11**
Particulars: Assault by beating
Court: West Dorset Magistrates Court; 26/03/13
Sentence: Conditional Discharge 18 months

C. Preliminary applications

None

D. Summary of evidence

Documents

In advance of the hearing, the Panel received the following documents:

- 1 Section 1: Anonymised Pupil List – page 1
- 2 Section 2: Notice of Referral, Response and Notice of Meeting - pages 2-6
- 3 Section 3: Statement of Agreed Facts, Presenting Officer Representations and Representation of Teacher - pages 7 - 21
- 4 Section 4: NCTL Documents, pages 22-181
- 5 Section 5: Teacher Documents, pages 182-186

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

Statement of Agreed Facts

The Panel considered a Statement of Agreed Facts signed by Mr Marsh and dated by him on 7 February 2014 and on behalf of the NCTL on 25 February 2014.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

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

Between April 2011 and October 2011, Mr Daniel Marsh worked at Blandford St. Mary Primary School ('the School') as a teacher covering staff illness via an employment agency, E-Teach. On 1 November 2011 Mr Marsh commenced employment directly with the School to cover a Year 6 class (age 10-11) all day on Tuesdays and on Thursday afternoons and a Year 2 class (age 5-6) on Wednesday afternoons. This work was carried out up to and including Wednesday 9 November 2011.

During Mr Marsh's employment with the School reports were made to Individual A regarding Mr Marsh's behaviour towards pupils. The reports culminated in Mr Marsh's employment being terminated with the School on 14 November 2011 and a police investigation by Dorset Police.

Mr Marsh was interviewed by Dorset Police on 1 December 2011. Dorset Police also interviewed and obtained witness statements from the mother of Pupil A, the Headteacher, and the mother of Pupil C. Video taped interviews were also conducted by Dorset Police with Pupils A, B, C, D and E.

Mr Marsh entered a 'not guilty' plea at the West Dorset Magistrates' Court on 8 June 2012. The matter went to trial at the Magistrates Court in March 2013. Mr Marsh attended the Magistrates Court trial and was represented. On 26 March 2013, Mr Marsh was found guilty of five counts of battery that is, assault by beating contrary to section 39 of the Criminal Justice Act 1988, in relation to the incidents referred to above, all of which were conditionally discharged for 18 months.

Findings of Fact

Our findings of fact are as follows:

We have found the particulars of the following allegations against Mr Marsh proven, namely:

Whilst employed at Blandford St Mary School, he was conditionally discharged from Dorset Magistrates Court on 26 March 2013 for:

1. Offence: Battery on 01/11/11-30/11/11

- Particulars: Assault by beating
 Court: West Dorset Magistrates Court; 26/03/13
 Sentence: Conditional Discharge 18 months;
2. Offence: Battery on 01/11/11-30/11/11
 Particulars: Assault by beating
 Court: West Dorset Magistrates Court; 26/03/13
 Sentence: Conditional Discharge 18 months
 3. Offence: Battery on 01/11/11-30/11/11
 Particulars: Assault by beating
 Court: West Dorset Magistrates Court; 26/03/13
 Sentence: Conditional Discharge 18 months
 4. Offence: Battery on 01/11/11-30/11/11
 Particulars: Assault by beating
 Court: West Dorset Magistrates Court; 26/03/13
 Sentence: Conditional Discharge 18 months
 5. Offence: Battery on 01/11/11-30/11/11
 Particulars: Assault by beating
 Court: West Dorset Magistrates Court; 26/03/13
 Sentence: Conditional Discharge 18 months

We find the facts alleged in allegations 1 to 5 proved based on the admissions made by Mr Marsh in the Notice of Referral Response Form dated 21 July 2013 and the Statement of Agreed Facts signed and dated by Mr Marsh on 7 February 2014. The Panel also took account of the Memorandum of Conviction Entry in the Register of the West Dorset Magistrates Court dated 26 March 2013.

In relation to allegation 1, the Statement of Agreed Facts outlines the nature and circumstances of the offence are described as follows:

- During November 2011, Pupil A, a Year 6 male pupil at the time, reported to his mother that Daniel Marsh had physically manhandled him during a recent reading comprehension class.
- During Pupil A's video interview he confirmed the incident, that the class, comprising of six to seven pupils, had been sitting on the floor in a circle reading. Pupil A explained he was '*grabbed by the scruff of his neck...and...thrown...into the middle of the circle.*' Pupil A fell to the floor and subsequently '*stood up and listened*' to what Daniel Marsh was saying.
- A police summary of the video interview conducted with Pupil A confirms that Daniel Marsh grabbed Pupil A by his clothes rather than his skin; it documents Pupil A demonstrating during interview that Daniel Marsh grabbed him in front of his collar. Pupil A also demonstrated how far Daniel Marsh had thrown him which was approximately one metre. Pupil A explained that his shoulder had hurt a little when he had landed on it but not for long.
- Pupil B corroborated Pupil A's account of the incident during interview. Pupil E also recounted during interview Daniel Marsh grabbing Pupil A stating that this resulted in Pupil A having '*a massive red mark on his arm*'.

In relation to allegation 2, the Statement of Agreed Facts outlines the nature and circumstances of the offence as follows:

- A couple of days after the incidents involving Pupils A and B, Daniel Marsh manhandled Pupil C, a Year 6 male pupil at the time. This incident is recorded in Pupil C's interview transcript. During a lesson Pupil C continued to talk after having been asked to stop. In response Daniel Marsh told Pupil C to stand, grabbed his shoulder, walked him to the back of the classroom and smacked him. Pupil C remained at the back of the classroom until he was allowed to return to the rest of the class. Pupil C's mother refers to this incident within her police witness statement.
- A police summary of the video interview conducted with Pupil C confirmed Pupil C's statement during interview that he was grabbed by the shoulder and that it was *'quite light but did hurt [him] the first bit'*.
- Pupils A, B and D confirm the incident involving Pupil C within their interview transcripts. Pupil B believed Daniel Marsh reacted in this way as Pupil C was throwing a pencil during the class.

In relation to allegation 3, the Statement of Agreed Facts outlines the nature and circumstances of the offence as follows:

- During the same lesson Pupil A was manhandled by Daniel Marsh, another incident occurred involving Pupil B, a Year 6 male pupil at the time. Pupil A had initially reported this incident to his mother prior to disclosing Daniel Marsh's actions towards him.
- During the lesson Pupil B had completed his work and was throwing his piece of paper up in the air and catching it. In response, Daniel Marsh took the paper, screwed it up and threw the paper ball at Pupil B's neck. Pupil B outlines this incident during his video interview with Dorset Police Pupil B commented that Daniel Marsh threw the paper ball at *'quite close range'*.
- A police summary of the video interview conducted with Pupil B confirms that Pupil B had pointed just below his chin when indicating where Daniel Marsh had thrown the screwed up ball of paper. It also confirmed that when making contact with Pupil B's skin the paper ball had *'quite hurt'* because the corner of it had made contact with his skin.
- Pupils A, D and E all made reference to the incident involving Pupil B during their video interviews

In relation to allegation 4, the Statement of Agreed Facts outlines the nature and circumstances of the offence as follows:

- Pupil E reported in his video interview that during November 2011 Daniel Marsh grabbed the arm of Pupil E, a Year 6 male pupil, and pulled Pupil E in order to move him within the classroom.
- Pupil A confirmed during interview that Daniel Marsh grabbed Pupil E by his

shoulder and pulled him forward bending him over whilst he was sat on the floor during the same reading session the incident involving Pupil A occurred. Pupil A believed Daniel Marsh had done this as Pupil E was talking.

In relation to allegation 5, the Statement of Agreed Facts outlines the nature and circumstances of the offence as follows:

- During November 2011, Pupil D, a Year 6 male pupil at the time, was also manhandled by Daniel Marsh. Pupil D was sitting on the floor talking to a fellow pupil. Daniel Marsh subsequently grabbed Pupil D *'quite tight'* around the wrist, lifted Pupil D and dragged him approximately seven metres across the classroom. Pupil D stated that Daniel Marsh's actions *'quite hurt'* him and explained he had suffered an injury to his wrist previously owing to an earlier road traffic accident.
- Pupil A commented during interview that Daniel Marsh had squeezed Pupil D's arm and also threatened to drop a book on Pupil D's hand a couple of days later and stated, *'I think he [Daniel Marsh] hurt his arm, 'cause he kept...like. rubbing it.'*
- Pupil B recounted Pupil D being grabbed by the arm by Daniel Marsh resulting in *'really bad marks'* and Pupil D crying. Pupil B stated that Pupil D had been playing with a pencil which Daniel Marsh threw away prior to grabbing him.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

The Panel noted that Mr Marsh admits that the facts amount to unacceptable professional conduct and conduct which brings the profession into disrepute, but the Panel has exercised its own judgment.

The Panel is satisfied that Mr Marsh is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute. His conduct is of a serious nature which falls significantly short of the standard expected of a teacher and brings the profession into disrepute. The Panel noted that the conduct involved 5 incidents of violent behaviour, being assault by beating, which took place in the classroom in full view of other pupils. These incidents occurred over a small number of days while Mr Marsh was employed as a supply teacher at the School.

In addition, Mr Marsh breached the Personal and Professional Conduct elements of the Teachers' Standards in that he failed to uphold public trust in the profession and maintain high standards of ethics and behaviour in particular he failed to:

- treat pupils with dignity, build relationships rooted in mutual respect and trust and at all times observe proper boundaries appropriate to a teacher's professional position;
- have regard for the need to safeguard pupils' well-being.

Mr Marsh abused his position of trust and we are satisfied that this was conduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In addition, the conduct displayed would be likely to have a negative impact on his status as a teacher, potentially damaging the public's perception of teachers and public confidence in the teaching profession. Teachers hold a uniquely influential role in pupils' lives and pupils must be able to view teachers as role models in the way they behave.

Panel's recommendation to the Secretary of State

Mr Marsh's conduct was a serious departure from the personal and professional conduct elements of the Teachers' Standards and an abuse of a position of trust (particularly involving vulnerable pupils). In addition, this was misconduct that could seriously affect the well-being of pupils.

We have carefully considered Mr Marsh's letters, at page 17 and 19 to 21 of the case papers, correspondence from his solicitor at pages 183 to 186 and comments relating to Mr Marsh's experience and ability referred to at the Initial Evaluation Meeting at page 172 of the case papers. Mr Marsh is an experienced teacher who should have been fully aware of the standards of conduct expected. Nevertheless, in his letter, he offers no mitigation to minimise the seriousness of his behaviour. This indicates a continuing lack of insight on his part. This was not an isolated incident. Mr Marsh was involved in a series of assaults by beating which affected the education and well-being of several pupils over a number of days in November 2011. We have therefore concluded that there is a significant and continuing risk of the behaviour being repeated.

The Panel noted that Mr Marsh is not currently working as a teacher and has indicated to the Panel that he has no intention of doing so. However, in the Panel's view, this assurance is not binding on Mr Marsh. Given the paramount importance of safeguarding and the protection of pupils we have concluded that it is necessary to recommend a Prohibition Order in this case in order to protect pupils and maintain public confidence in the profession. We consider this to be a proportionate sanction.

The Panel considered carefully whether to make a recommendation as to the period of time when Mr Marsh may apply for the Prohibition Order to be set aside. Having regard to the seriousness of Mr Marsh's conduct which involved violence together with a lack of any evidence of insight, the Panel has decided to recommend that there should be no review period.

Decision and reasons on behalf of the Secretary of State

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

The panel has found that the allegations against Mr Marsh are proven and that they amount to both unacceptable professional conduct and conduct which brings the profession into disrepute.

It is evident that Mr Marsh's conduct was a serious departure from the personal and professional conduct elements of the Teachers' Standards. It was also an abuse of a position of trust (particularly involving vulnerable pupils). In addition, this was misconduct that could seriously affect the well-being of pupils.

I have noted that the panel considered a letter sent by Mr Marsh. It is clear that the panel considered that this letter indicated a continuing lack of insight on his part. In addition these were not isolated incidents. Mr Marsh was involved in a series of assaults by beating which affected the education and well-being of several pupils over a number of days in November 2011. The panel has concluded that there is a significant and continuing risk of the behaviour being repeated.

I have considered carefully the guidance set out by the Secretary of State that relates to prohibition. The nature of the behaviour found proven and the seriousness of these incidents in my view make a prohibition order necessary in the public interest. It is a proportionate response to the incidents.

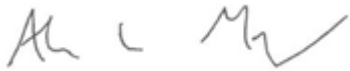
I have also considered the issue of a review period. In my view the lack of insight, coupled with the serious nature of the offences, which involved violence, and the fact that each was not an isolated incident supports the recommendation made by the panel. In my view it is proportionate that there should be no review period.

This means that Mr Daniel Marsh is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Daniel Marsh 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 Daniel Marsh 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.

NAME OF DECISION MAKER: Alan Meyrick

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

Date: 3 June 2014

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