



National College for
Teaching & Leadership

Ms Hayley Dimmock: Professional conduct panel outcome

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

May 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	16

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

Teacher:	Ms Hayley Dimmock
Teacher ref no:	1158202
Teacher date of birth:	24 December 1986
NCTL case ref no:	13013
Date of determination:	27 May 2015
Former employer:	Bedford School, Bedford

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 26-27 May 2015 at Ramada Hotel & Suites, The Butts, Earlsdon, Coventry CV1 3GG to consider the case of Ms Hayley Dimmock.

The panel members were Mark Tweedle (teacher panellist – in the chair), Alison Robb-Webb (teacher panellist) and Martin Pilkington (lay panellist).

The legal adviser to the panel was Patricia D’Souza of Eversheds LLP.

The presenting officer for the National College was Ms Rachel Connell of Nabarro LLP.

Ms Hayley Dimmock was not present and was not represented.

The meeting took place in private and was not recorded, save for the public announcement of the panel’s decision on the facts and whether the facts amounted to unacceptable professional conduct and/or conduct which may bring the profession into disrepute, which was recorded.

B. Allegations

The panel considered the allegations set out in the notice of meeting dated 18 May 2015.

It was alleged that Ms Hayley Dimmock was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that while you were employed at Bedford School (“the School”), Bedford you failed to adhere to professional boundaries, in that:

1. While on a trip to Cuba in July 2014 you:
 - a. Spent considerable time alone with Student A,
 - b. Allowed Student A to touch your ankle and/or inner thigh,
 - c. Allowed Student A to place his hand under your bottom,
 - d. Allowed Student A to place your Ipod in and out of the front pocket of your shorts,
 - e. You walked alone with Student A on the beach road separate to all of the other students;
2. On an unknown date you visited Student A at his home address when no-one else was present;
3. While on a trip to Cuba in July 2014 you failed to safeguard and supervise students in your care, specifically, you:
 - a. Consumed alcohol,
 - b. Engaged in sexual activity with an adult in a room, located under the students’ accommodation, which could be seen into by students.
4. On 10 October 2014, you touched the back of Student B’s head while commenting on his haircut.
5. You failed to adhere to a management instruction in relation to maintaining professional boundaries including those given in Cuba and/or following your return to the School after the trip.

In a Statement of Agreed Facts signed by Ms Dimmock on 16 April 2015 and by the presenting officer on 24 April 2015, Ms Dimmock admitted the facts of the allegations.

C. Preliminary applications

There were no preliminary applications, but the panel considered a number of preliminary matters.

The panel were provided at the meeting with correspondence between the National College, Ms Dimmock and the headteacher of Student A's school relating to a request that the publication of the announced decision is delayed beyond the usual two weeks allowed for in the procedures. This request came from Student A's headteacher who was concerned about the impact that publication would have on his performance in upcoming examinations. The panel noted that Ms Dimmock and the presenting officer had no objection to the panel granting a direction that the publication of the announced decision be delayed until after 17 June 2015 (by which time Student A's examinations would be over).

The panel accordingly directs that publication of the announced decision is delayed until after 17 June 2015.

Should the panel proceed with a meeting?

The panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel noted that in the response to a Notice of Referral form, Ms Dimmock had requested a meeting. The panel considered the interests of justice and given that the facts of the allegations have been admitted and that Ms Dimmock has requested a meeting, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

In the course of the meeting, the panel noted that there is no explicit reference in the Statement of Agreed Facts to Ms Dimmock being asked if she admitted that the facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Ms Dimmock completed and signed the Notice of Referral form included in the bundle and in this document admitted that her conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel noted the similarity to the allegations set out in the initial letter from the National College to Ms Dimmock included in the bundle to those set out in the Notice of Meeting. As Ms Dimmock has signed the Statement of Agreed Facts, the panel considers this is an admission by Ms Dimmock in this regard.

D. Summary of evidence

Documents

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

Section 1:	Chronology and Anonymised Student List	Pages 1 – 4
Section 2:	Notice of Referral, Response and Notice of Meeting	Pages 5 – 11c
Section 3:	Statement of Agreed Facts and Presenting Officer Representations	Pages 12 – 20
Section 4:	National College for Teaching and Leadership Documents	Pages 21 – 139
Section 5:	Teacher Documents	Pages 140 – 142

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

Witnesses

As this was listed as a meeting, the panel heard no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has now carefully considered the case before us and have reached a decision.

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

Ms Dimmock was employed as a Chemistry teacher at Bedford School (“the School”) from 1 September 2012. Between 3 and 11 July 2014, Ms Dimmock was one of the members of staff responsible for supervising students on a School trip to Cuba. During this trip, concerns were expressed by Ms Dimmock’s colleagues regarding her behaviour. Ms Dimmock was suspended from the School pending investigation. Following a disciplinary investigation, Ms Dimmock was issued with a final written warning. After further investigatory meetings relating to an additional allegation, she was dismissed from the School on 27 November 2014.

Findings of fact

The panel's findings of fact are as follows:

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

Whilst employed at Bedford School ("the School"), Bedford you failed to adhere to professional boundaries, in that:

There was evidence in the bundle that Ms Dimmock was employed as a chemistry teacher at the Bedford School ("the School") from 1 September 2012. The panel therefore find the stem of this allegation proven. The panel considered whether there was any failure to adhere to professional boundaries, in the context of allegations 1a to 1e, 2, 3, 4 and 5.

1. While on a trip to Cuba in July 2014 you:

a. Spent considerable time alone with Student A,

The panel had regard to the School's investigation report included in the bundle which indicates that concerns were raised in relation to aspects of Ms Dimmock's behaviour on the trip to Cuba, regarding her interaction/relationship with Student A. It was suggested that she spent too much time with Student A and they appeared "too close" which was not appropriate for a teacher/student relationship.

In his investigation interview, the School's head of science, who attended the Cuba trip, indicated that he felt Ms Dimmock and Student A had too much physical contact and that whilst Ms Dimmock was mixing with other students, Student A was beside her all the time. The head of science considered that from the way Student A and Ms Dimmock had been acting, she had been "intimate with him for a while". A biology teacher interviewed by the School confirmed that she had witnessed Ms Dimmock undertaking "intimate whispers" and private conversations and general touching with Student A.

The record of the School's interview with Student A indicated that the School's head of science had taken Student A aside during the first night of the Cuba trip and told Student A to "calm down" in relation to Ms Dimmock, but Student A said he did not know what the head of science was talking about. With regard to a suggestion that Ms Dimmock had participated in a photograph of the group with her hands on Student A's shoulders, Student A confirmed that he did not even remember Ms Dimmock being there.

Student A also said that he sat with Ms Dimmock as the two other teachers on the trip often sat next to each other and Ms Dimmock felt excluded. Also Student A indicated that Ms Dimmock had told him during the trip that she could not sit with him or be seen with him as another teacher had had a "word" with her and they thought something had been happening between them.

In her written representations to the National College, Ms Dimmock indicated that due to a breakdown in a relationship, she was feeling depressed at the time, and during the Cuba trip she felt that at no time did her colleagues assist her and her attempt to heed the warning she received was not recognised. She considered that the relationship with the colleagues deteriorated and she accepts that she spent most of the time on the boat with the students and the dive staff. Ms Dimmock indicates further in her written representations that she did spend a lot of time with Student A as he was one of the students she knew best but she also spent a lot of time with other students in the group.

Whilst there was no evidence that Ms Dimmock and Student A departed from their group so that they were totally alone, the panel noted from the Statement of Agreed Facts that Ms Dimmock admitted that she spent a considerable amount of time with Student A and she engaged in private and intimate conversations with Student A throughout the Cuba trip. The panel considered that on the evidence available, that this allegation was proven on the balance of probabilities.

b. Allowed Student A to touch your ankle and/or inner thigh,

In the record of his investigation interview, the School's head of science indicated that he observed further "closeness and intimate touching" between Ms Dimmock and Student A. He witnessed Student A put his hand around Ms Dimmock's ankle. The head of science also witnessed Ms Dimmock allowing Student A to run his hand along her leg and inner thigh. In the record of his interview with the School, Student A confirmed that there had been no physical contact with Ms Dimmock. The record of Ms Dimmock's interview with the School reflects Ms Dimmock denying this also. Student A denied holding Ms Dimmock's ankle and denied touching or rubbing Ms Dimmock's leg. Student A said that he could not understand how you could get into that situation.

The panel noted from the Statement of Agreed Facts that Ms Dimmock has now admitted this allegation. The panel considered the head of science's account to be credible and, accordingly, the panel finds the facts of this allegation proven.

c. Allowed Student A to place his hand under your bottom,

The head of science confirmed in his investigation interview that he witnessed Student A touching Ms Dimmock's hand, the back of her calf and her buttock. He further indicates that Ms Dimmock did not attempt to remove herself from the situation.

The panel noted from Ms Dimmock's written representations to the School that Ms Dimmock did not recall Student A touching her bottom, but that she acknowledged that it could have happened as they were on a boat. The presenting officer's representations are that, however this happened, it is wholly inappropriate for a teacher to put themselves in a position whereby a student can make physical contact of this type.

As mentioned previously in relation to allegation 1b Student A denied that there had been any physical contact with Ms Dimmock.

The panel considers that there is conflicting evidence in relation to this allegation, however it notes from the Statement of Agreed Facts that Ms Dimmock now admits this allegation. Accordingly, the panel finds the facts of this allegation proven.

d. Allowed Student A to place your Ipad in and out of the front pocket of your shorts,

The panel noted from the record of his interview with the School, the School's head of science observed Student A putting an iPod into the front pocket of Ms Dimmock's shorts and Ms Dimmock made no attempt to stop him.

Student A confirmed in the record of his interview with the School that, unprompted, he had asked Ms Dimmock if he could borrow her iPod. As Ms Dimmock had a sandwich in one hand and a drink in the other, she could not take the iPod out of her pocket easily herself. As the iPod was hanging out of Ms Dimmock's pocket he had pulled it out by the wire. Ms Dimmock confirmed in the record of her interview with the School that Student A had accessed her iPod by holding onto the string and pulling the iPod. Ms Dimmock confirmed that a number of students were around at the time and the allegation raised made the situation sound "ridiculously intimate", when it had not been.

The panel notes from the Statement of Agreed Facts that Ms Dimmock admits this allegation. Therefore on the balance of probabilities the panel finds this allegation proven.

e. You walked alone with Student A on the beach road separate to all of the other students;

In relation to the suggestion that Student A and Ms Dimmock had walked separately from the rest of the group on the opposite side of the road after dinner, Student A explained in the record of his interview with the School, that he tried to get the group to walk on the "beach side" of the road. Student A stated that the head of science ignored him, despite the fact that the side that the rest of the group walked along was wasteland. Ms Dimmock said she would walk with him and Student A tried to get two other students to walk with them.

Ms Dimmock's account of this incident was that she walked in parallel to the main group on the beach-side of the road for a short time during the 45 minute walk back to the hotel, and she did so purely for "aesthetic" reasons, ie she crossed the road to be on the more attractive side and anyone was free to join them. However, only Student A chose to walk with her.

The panel notes from the Statement of Agreed Facts that Ms Dimmock admits this allegation. Therefore on the balance of probabilities the panel find this allegation proven.

The panel considers that, in relation to allegations 1a to 1e, Ms Dimmock failed to adhere to the professional boundaries appropriate to a pupil/teacher relationship. The panel

noted that there was no evidence that Ms Dimmock had taken any action to dissuade Student A from touching her inappropriately, or spending time with her. According to the School's head of science, Ms Dimmock's reactions to the contact from Student A were likely only to encourage him.

2. On an unknown date you visited Student A at his home address when no-one else was present;

The investigation report reflects that Ms Dimmock was found to have visited Student A's home on one occasion for around 30 minutes to primarily return papers that Student A had left in the chemistry lab from a previous group revision session. During her investigation interview, Ms Dimmock indicated that Student A had left a pile of papers in the chemistry department and she emailed him to ask about collecting them. As Ms Dimmock happened to be in the area of Student A's home she offered to drop off the papers and asked Student A if his mother would be at home. Both the record of Ms Dimmock's investigation interview and the investigation report state that during the 30 minutes that Ms Dimmock was at Student A's house his mother rang and Ms Dimmock spoke to Student A's mother on the phone. The investigation report reflects Student A's mother confirming this and that she had rung Ms Dimmock to say she was running late. Student A's mother confirmed during the investigation that she knew Ms Dimmock was going to the house. Student A corroborated this version of events also.

There was no third person present when Ms Dimmock visited Student A at home. The panel noted that this incident occurred after the Cuba trip referred to in allegation 1. It considered that visiting Student A at home to return papers and then spending at least 30 minutes in the Student A's home, with no third party present, is of concern. Alternative arrangements could have been made to return the relevant papers to Student A or to drop the papers at Student A's front door without entering the house. The panel considered that this was a failure to adhere to professional boundaries and accordingly this allegation is found proven.

3. While on a trip to Cuba in July 2014 you failed to safeguard and supervise students in your care, specifically, you:

a. Consumed alcohol,

In her written representations to the National College, Ms Dimmock admits that she had two drinks at the party which students attended yet she had had no more than any other member of staff present. The presenting officer's representations submit that Ms Dimmock should not have been consuming alcohol while responsible for the safety of students on a foreign trip.

Ms Dimmock admitted this allegation in the Statement of Agreed Facts and suggested in the record of her investigation interview with the School, that the consumption of alcohol had impaired her judgement that evening. The panel notes that Ms Dimmock claimed

that other members of staff were consuming alcohol that evening. In the view of the panel, it is inappropriate for a teacher to consume alcohol whilst having responsibility for the safeguarding and supervision of students on a school trip. The panel considers that Ms Dimmock failed to adhere to appropriate professional boundaries and therefore the panel finds this allegation proven.

b. Engaged in sexual activity with an adult in a room, located under the students' accommodation, which could be seen into by students.

The investigation report included in the bundle states that Ms Dimmock had not behaved appropriately, or displayed the conduct that would be expected of a teacher on a school trip, with regard to her liaison with a diving instructor. During the School's investigation Ms Dimmock did not deny that she had had sexual intercourse with a diving instructor. Ms Dimmock was embarrassed by the situation. The liaison took place in the instructor's room which was below the students' accommodation. Ms Dimmock indicates in her written representations that the curtains to the room were drawn. However, two members of staff passing the room were able to see what was happening through a gap in the curtains. Staff had to prevent a group of students from walking near the room. Whilst there was no evidence that any students had seen or heard anything, the panel agreed with the presenting officer's submission that the drawing of the curtains was insufficient to prevent Ms Dimmock from potentially being seen by the students.

By Ms Dimmock's own admission she spent the night in the diving instructor's room and therefore could not be supervising students. The panel found that Ms Dimmock's conduct was a clear failure to safeguard and supervise students under her care. Having sexual relations whilst she was meant to be supervising students was a failure to adhere to professional boundaries. In addition, Ms Dimmock staying overnight in a room that was located close to students' accommodation was also a clear failure to act within or adhere to professional boundaries, as it was possible that Ms Dimmock could have been seen or heard by students. Accordingly, the panel finds this allegation proven.

5. You failed to adhere to a management instruction in relation to maintaining professional boundaries including those given in Cuba and/or following your return to the School after the trip.

The chronology indicates that Ms Dimmock received 4 separate warnings regarding her behaviour on 4 consecutive days during the period 5-8 July 2014. All these warnings related to maintaining a professional boundary between herself and Student A.

The School's investigation report concluded that Ms Dimmock received a number of warnings to modify her behaviour and to ensure that she was not alone and did not have close contact with Student A. In the view of both the head of science and the biology teacher who accompanied Ms Dimmock on the Cuba trip, the warnings were not heeded. Indeed, in their view, Ms Dimmock's failure to observe appropriate professional boundaries became more overt.

In her written representations, Ms Dimmock states that the warnings issued to her on 5 and 6 July were barely sentences which were said “in passing in a vague manner”. As the language used was colloquial (ie the use of the word “mate”) she had not realised these were meant to be official warnings. She considered instead that they were a “colleague’s opinion on how certain students tend to be around a lot”. The presenting officer’s written representations submit that Ms Dimmock did not take the warnings she received on 5 and 6 July seriously and her disregard for the warning given to her on 7 July demonstrated her lack of regard for professional boundaries.

In a document entitled *Investigation Allegation Responses*, Ms Dimmock indicated that she was not dismissive of the comments made by the two members of staff who raised concerns about her behaviour in Cuba. She agreed that Student A was around a lot and she would try to decrease contact. In a record of a further investigation meeting with the School, Ms Dimmock indicated that she would accept “things” if she had been told to be less tactile or more professional but she felt the concern raised was all about “one boy”. She did not accept that she interacted with Student A any differently to how she had acted with other boys. She says she stayed “as far away” as possible from Student A.

The panel notes, from the Statement of Agreed Facts, that Ms Dimmock now accepts that she was given an informal warning on 5 July and formal warnings on 6, 7 and 8 July 2014 respectively. Furthermore, she admits that she failed to comply with these warnings. The panel considers that Ms Dimmock failed to adhere to four management instructions in relation to maintaining professional boundaries with regard to Student A, as given to her on the Cuba trip. Accordingly, the panel find this allegation proven.

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

4. On 10 October 2014, you touched the back of Student B’s head while commenting on his haircut.

The panel noted, from the record of her third investigation interview with the School, that Ms Dimmock approached Student B at the start of class, which was the first time she had seen him with a new haircut. Ms Dimmock recalled that she said words to the effect of “nice haircut, it’s a bit short on the sides”. The record of an investigation interview with a member of staff who had witnessed this incident states that Ms Dimmock rubbed her hand up and down Student B’s head three to five times. Furthermore, this member of staff was ambiguous in his description of the touching. He said it “wasn’t ‘just a touch’ but neither was it ‘caressing’ ”.

Ms Dimmock admitted that she tapped Student B on the side of the head and made a gesture with her hand, moving it up and down one to two times. She also admitted that she had touched Student B’s hair on the sides where it was short. Student B could not recall this matter at all when interviewed by the School. In particular he could not recall whether Ms Dimmock had touched his hair, as “loads of people had rubbed his head”

since he got his new haircut. Ms Dimmock admitted, in the Statement of Agreed Facts, that she touched the back of Student B's head whilst commenting on his haircut.

Whilst the panel are of the view that it is unwise for any teacher to touch a student's hair or the back of their head, there is no evidence that the motivation for Ms Dimmock's action, was anything other than a reaction to an unusually short haircut. Student B could not recall the incident. The panel noted that the member of staff who observed the incident took three days to report the matter to the School and his description of this incident was unclear. Whilst the panel has found that Ms Dimmock touched the back of Student B's head, on the balance of probabilities, the panel did not consider that this amounted to a failure to adhere to professional boundaries. Therefore this allegation is not proven.

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

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in the Teacher Misconduct – The Prohibition of Teachers advice, which it refers to as the 'guidance'.

The panel is satisfied that the conduct of Ms Dimmock in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Dimmock 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 students 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 students' 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.

The panel is satisfied that the conduct of Ms Dimmock was serious and fell significantly short of the standards expected of the profession. The repeated failure to observe professional boundaries despite the guidance and warnings provided by colleagues, showed a disregard for the Teachers' Standards including her responsibility to safeguard the welfare of Student A. The panel notes that the majority of the above allegations relate to Ms Dimmock's behaviour during the trip to Cuba. Ms Dimmock's consumption of alcohol and sexual relations with an adult in a room close to the students' accommodation could have led to students being exposed to or influenced by her

inappropriate behaviour in a harmful way. The panel notes that Ms Dimmock abdicated her responsibility for supervising and safeguarding the students.

In visiting Student A at home and staying for 30 minutes when he was alone, subsequent to the warnings she received on the Cuba trip, Ms Dimmock demonstrated a further failure to observe appropriate professional boundaries.

The panel has also considered whether Ms Dimmock's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the guidance. The panel has found that none of the offences are relevant.

Taking all of the above into account, the panel is satisfied that Ms Dimmock is guilty of unacceptable professional conduct.

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

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on Ms Dimmock's status as a teacher, potentially damaging the public perception. The panel therefore finds that Ms Dimmock's actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it 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 guidance and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of students given the serious findings of an inappropriate relationship with Student A, failure to heed

warnings provided by the School, consumption of alcohol at a party which students attended, and sexual activity in a room close to where the students slept.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Ms Dimmock.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Dimmock. The panel took further account of the guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and/or well-being of students, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving vulnerable students) or violation of the rights of students

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. The panel notes from the investigation report and record of interviews that there was no suggestion that Ms Dimmock had sought to touch Student A inappropriately, rather that she had not discouraged him from spending time with her or touching her. The panel notes that Ms Dimmock has not been in the profession for long and is young and inexperienced. The letter of dismissal from the headteacher of the School indicated that Ms Dimmock was previously of good character and that he regarded her as "in very many ways an excellent teacher".

Taking into account the seriousness of Ms Dimmock's misconduct, the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Dimmock. Engaging in sexual activity with an adult when she was supposed to be supervising students and ensuring that they got back to their rooms safely after a party was a significant factor in

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

The panel were mindful that the guidance advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel considered that none of the behaviours listed on pages 11 to 12 of the guidance are relevant. The panel therefore went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered.

The panel considers that Ms Dimmock has shown no remorse for, or insight into, her behaviour towards Student A. In a record of a further disciplinary meeting with the School, it is stated that Ms Dimmock did not think that she had done anything wrong with regard to Student A. Whilst she did admit that having sexual relations with the diving instructor was “wrong”, she did not accept that she failed to fulfil her professional obligations to ensure that the students’ welfare and well-being were protected. Ms Dimmock produced no evidence to satisfy the panel that her conduct would not be repeated in the future. Similarly, Ms Dimmock failed to recognise the impact of her behaviour on the students and her colleagues.

However, taking into consideration the mitigation referred to above and, in particular, the comments made by the headteacher of the School with regard to Ms Dimmock’s positive attributes as a teacher, the panel considered a review period would be appropriate. As such, the panel decided that it would be proportionate to recommend a review period of three years. The panel considered that this would be an appropriate length of time during which Ms Dimmock may be able to attain the maturity, judgement and insight into her behaviour and its impact on others, including students.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case.

The panel have found a number of allegations proven and consider that those facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The proven facts relate to Ms Dimmock’s failure to adhere to professional boundaries and her failure to properly safeguard and supervise pupils in her care. The panel regard her conduct as a serious departure from the standards expected of a teacher. In considering whether to recommend prohibition as an appropriate and proportionate sanction the panel have properly considered the public interest considerations relevant to

this case. They have determined that the following public interest considerations are relevant in this case:

- Maintenance of public confidence in the profession;
- Upholding proper standards of conduct; and
- The protection of pupils.

The panel have noted that Ms Dimmock has not been in the profession for long and is young and inexperienced. They also took account of the letter of dismissal from the headteacher which indicated that Ms Dimmock was previously of good character and that he regarded her as “in very many ways an excellent teacher”.


On balance the panel have recommended that the imposition of a prohibition order would be both appropriate and proportionate. I agree with that recommendation.

In considering whether to recommend a review period the panel have taken account of the mitigation offered by Ms Dimmock and, in particular, the comments made by the headteacher of the School with regard to Ms Dimmock’s positive attributes as a teacher. As such, the panel decided that it would be proportionate to recommend a review period of three years. The panel considered that this would be an appropriate length of time during which Ms Dimmock may be able to attain the maturity, judgement and insight into her behaviour and its impact on others, including students. I agree with their recommendation.

This means that Ms Hayley Dimmock is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. She may apply for the prohibition order to be set aside, but not until 4 June 2018, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Hayley Dimmock remains prohibited from teaching indefinitely.

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

Ms Hayley Dimmock has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date she is given notice of this order.



NAME OF DECISION MAKER: Paul Heathcote

Date: 29 May 2015

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